



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

HOOPER  
WASHINGTON  
Religious Liberty Association, Washington, D.C.

Freedom, civil and religious.

BR516  
R382

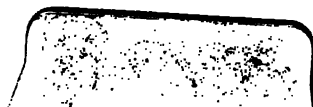


**HOOVER INSTITUTION**  
**on War, Revolution, and Peace**

FOUNDED BY HERBERT HOOVER, 1919

GIFT OF

Mr. A. Nelson



JOHN WILEY & SONS  
NEW YORK, N. Y.  
LONDON, ENGLAND





# Freedom Civil and Religious

---

The American Conception of Liberty  
for Press, Pulpit, and Public, as  
Guaranteed in the Federal  
Constitution

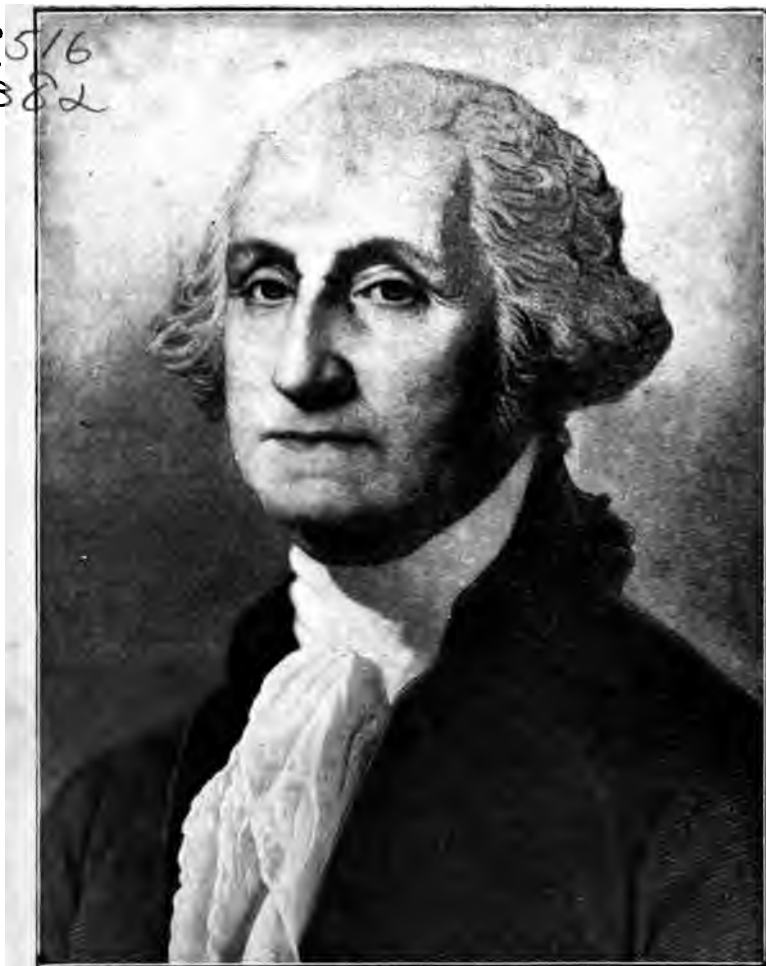
---

Issued by the  
RELIGIOUS LIBERTY ASSOCIATION  
WASHINGTON, D. C.

---

REVIEW AND HERALD PUBLISHING ASSOCIATION  
WASHINGTON, D. C.  
New York, N. Y.                      South Bend, Ind.

BR516  
R382



GEORGE WASHINGTON

"The Father of His Country"

Happily, the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection shall demean themselves as good citizens.— *George Washington*.

## TABLE OF CONTENTS

---

FOREWORD	7
THE RISE OF RELIGIOUS LIBERTY IN THE UNITED STATES	9
RELIGIOUS PERSECUTION IN THE UNITED STATES	31
SENATOR CROCKET'S SPEECH AGAINST SUNDAY LAWS IN ARKANSAS	41
OKLAHOMA SUNDAY LAW DECISION	53
THE RELIGIOUS ASPECT OF SUNDAY LEGISLATION	77
FREEDOM OF SPEECH AND OF THE PRESS	89
THE LIMITATIONS OF CIVIL AUTHORITY	97
RELIGION IN THE PUBLIC SCHOOLS	105
DANGERS INVOLVED IN RELIGIOUS FEDERATIONS	119

---

Copyright, 1920

REVIEW AND HERALD PUBLISHING ASSOCIATION

Takoma Park, Washington, D. C.





Photo by Kadel & Herbert, from Keystone View Co., N. Y.

## ABRAHAM LINCOLN

Lover of Liberty

Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prizes liberty as the heritage of all men, in all lands everywhere. Destroy this spirit, and you have planted the seeds of despotism at your own doors. Familiarize yourself with the chains of bondage, and you prepare your own limbs to wear them. . . . The people of these United States are the rightful masters of both Congress and courts, not to overthrow the Constitution, but to overthrow the men who pervert the Constitution.— *Abraham Lincoln, in a speech at Edwardsville, Ill., Sept. 13, 1858.*

## FOREWORD

THE publishers of this book believe in civil government and in the importance of religion. The Christian church and organized civil government are both of divine origin. We believe that the Christian church was established by God for man's spiritual welfare, and that civil government was ordained by divine authority to protect all men in the exercise of their natural rights.

But while we believe that both the church and the state are ordained of God for man's highest good, we also hold that each is ordained for an entirely different and separate line of work,—that they should operate in distinct spheres, and that the realm of the one is in no sense the sphere of the other.

Believing this, we are decidedly opposed to a union of church and state, or, as some call it, a union of religion and the state. We are opposed to a union with the state of *any* church or *any* combination of churches.

We see significant and dangerous movements tending toward such an unholy union, and encroaching upon the sacred rights of the individual conscience. From many quarters and organizations come insistent petitions to lawmakers for civil aid in the enforcement of religious obligations. Gigantic and powerful religious combinations are formed to speak with authority for the church in order to bring overwhelming influence to bear upon political institutions. In some instances these mighty ecclesiastical machines have grown so powerful and influential that they have ceased to petition, and boldly *demand* action on certain measures. Under these powerful influences, for the sake of patronage, political parties are beginning to "bend" and "bid," and thus the stability of civil government and the liberties of men are endangered.

Against this present-day tendency, and against these encroachments upon human rights, we feel the time has come to raise a note of warning and to point out the danger signals that are looming up just ahead of us. With men we have no controversy; but to all policies and measures that imperil and encroach upon the civil and religious liberties of humanity, we stand uncompromisingly opposed. A careful perusal of the contents of this book will convince the candid reader that our fears are not groundless, and that still "eternal vigilance is the price of liberty."

RELIGIOUS LIBERTY ASSOCIATION.



THE DECLARATION OF INDEPENDENCE  
1776

1776

## THE RISE OF RELIGIOUS LIBERTY IN THE UNITED STATES

"We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

These fundamental principles, enunciated in the Declaration of Independence and the First Amendment to our national Constitution, respectively, have made the United States of America "the land of the free." A desire to share in the blessings of liberty has led many from other lands to leave their homes and come to our shores, where they have found freedom in both church and state.

The American idea of the relation between religion and the civil government is not toleration, but liberty. Toleration is a concession; liberty is a right. The one is a gift of man; the other is inherent, being a gift of God. Until the American Government was established, this difference had not been recognized in a practical way as a sound political principle, though it was taught by Christ and was held by the early church.

### Church and State Divorced

Later the church departed from the pure principles of the gospel, and for centuries walked with the state, linked arm in arm. No opportunity was afforded for a practical application of the principle that man is answerable to God alone in questions of religious faith and practice. It remained for the American Government to divorce church and state.

It has been demonstrated in the United States that the church is more prosperous when untrammelled by the prohibitions and commandments of civil law. It is stronger, more spiritual, and more fruitful standing alone than when united with the state. Separation is also better for the state. "Secular power has proved a satanic gift to the church, and ecclesiastical power has proved an engine of tyranny in the hands of the state."—*Philip Schaff, D. D., LL. D., in "Church and State in the United States."* p. 11.



### THE PILGRIM FATHERS' DREAM OF LIBERTY

Our Pilgrim Fathers fled from . . . the Old World to the bleak shores of New England to escape religious persecution, yet they were here but a short space of time before they began a persecution equally cruel.—*Hon. William H. Murray, in Congressional Record, Oct. 6, 1914.*

They are slaves who fear to speak  
For the fallen and the weak;  
They are slaves who will not choose  
Hatred, scoffing, and abuse  
Rather than in silence shrink  
From the truth they needs must think;  
They are slaves who dare not be  
In the right with two or three.

—*Lowell.*

In a much less degree have the benefits of freedom in religion been demonstrated in Europe, where the time-worn view of toleration, not liberty, is still the accepted theory. The English Puritans who came to this country three centuries ago, brought with them the ideas of medieval Europe. While it is true that their ambition was to establish "a church without a pope, and a state without a king," their ideal was liberty only for themselves. The dissenter was made to feel the heavy hand of persecution.

In those days but few really understood the true meaning of religious liberty. Puritan ideas led to intolerance, which was manifested in both the political and the spiritual realm. In colonial New England, at least ten offenses were punishable by death. Heading the list of these capital crimes stood "idolatry" and "witchcraft."

"Uncivilly walking in the streets and fields, traveling from town to town, going on shipboard," on Sunday, "or otherwise to misspend that precious time," were unlawful acts, and were severely punished.

A writer of that period tells that "Captain Kemble, of Boston, was in 1656 set for two hours in the public stocks for his 'lewd and unseemly behavior,' which consisted in his kissing his wife 'publicquely' on the Sabbath day, upon the doorstep of his house, when he had just returned from a voyage and absence of three years."

### **Roger Williams and the Baptists**

In February, 1631, there landed in Massachusetts a young man—Roger Williams by name—who was destined to play an important part in the civil and religious affairs of his time. Roger Williams has been called narrow and erratic; but a man who could win the esteem of Winthrop and Bradford, and number Vane, Milton, and Cromwell among his friends, must have had some strong elements of character. As he witnessed the punishment meted out to the Baptists and Quakers, his heart was greatly stirred. He saw, as did perhaps no other man of his day, the absolute necessity for a separation of church and state.

Roger Williams has been fitly called "the first American." Bancroft, the historian, says of him, "He was the first person in modern Christendom to assert in its plenitude the doctrine of the liberty of conscience,—the equality of opinions before the law."

The Baptists were opposed to infant baptism. This was regarded by the Puritans as rank heresy. All unbaptized children dying in infancy, were, the Puritans believed, sure to go to hell. It is true that one minister in his mercy consigned them "to the easiest room in hell," whatever that may be.



© A. S. Burbank

### THE COLONY AT PLYMOUTH

The Massachusetts Sunday law of 1671, provided that "whosoever shall frequently neglect the public worship of God on the Lord's day, that is approved by this government, shall forfeit for every such default convicted of, ten shillings, especially where it appears to arise from negligence, idleness, or prophaneness of spirit." (See "Book of the General Laws of New Plymouth," published by the General Court, June 6, 1671, chap. 3, sec. 10.)

A civil officer known as the "tithing-man" was appointed by the government to see "that no young people walked abroad on the eve of the Sabbath." He also "marked and reported" all those "who lye at home," and others who "prophanely behaved," "lingered without doors at meeting time on the Lord's Daie," all the "sons of Belial strutting about, sitting on fences, and otherwise desecrating the day." These offenders were first admonished by the "tithing-man," then "sett in stocks," then "cited before the court." They were also "confined in the cage on the meetinghouse green, with the Lord's day sleepers." The tithing-man could arrest "any who walked or rode too fast a pace to and from meeting," and he could arrest any who "walked or rode unnecessarily on the Sabbath." "Great and small alike were under his control." (See "The Sabbath in Puritan New England," by Alice Morse Earle, p. 74.)

John A. Fitch, expert in the New York Bureau of Statistics, made an exhaustive study of superior court decisions bearing on Sunday legislation. His investigations were published in the New York State Department of Labor *Bulletin*, September, 1910. Of colonial times, he says:

"The legislation of those times bore marked evidence of the extreme religious sentiments then prevailing, and Sunday laws were enacted, not to protect man, but to protect a religious institution.

"Accordingly, these laws, religious in the beginning, have maintained their religious characteristics down to the present time. Forty-five States, besides Alaska, Hawaii, and Porto Rico, have Sunday laws on their statute books, and it needs but a brief examination to convince one that their spirit is still primarily religious. In many of them it is apparent in the reference to the day of rest as the 'Sabbath,' the 'Lord's day,' or the 'Lord's day, commonly called the Sabbath.'"

### **Whipped for Preaching the Gospel**

The most noteworthy instance of persecution of Baptists is that of Holmes, Crandall, and Clark. They held a meeting in a private house in Swampscott, July 20, 1651. For this they were lodged in jail at Boston and fined thirty pounds each. Holmes refused to pay his fine, and was given thirty stripes. Some of his friends were given ten lashes for shaking hands with him on his way to the whipping post.

Williams himself was banished from Plymouth, and subsequently founded Providence Plantation, which grew into Rhode Island. The first charter of this colony declared for democracy and liberty of conscience. The charter of 1663 contained the following provision:

"That all and every person and persons may, from tyme to tyme, and at all tymes hereafter, freelye and fullye have and enjoye his and theire owne judgments and consciences, in matters of religious concernments."—*American Charters, Constitutions, and Organic Laws, 1492-1918*," by Thorpe, Vol. VI, p. 3213.

### **The "Tithing-Man"**

In Massachusetts, as late as 1783, "the tithing-man still arrested Sabbath breakers and shut them up in the town cage in the market place; he stopped all unnecessary riding or driving on Sunday, and haled people off to the meeting house, whether they would or not. . . . The men of Boston strove hard to secure the repeal of these barbarous laws and the disestablishment of the Congregational Church, but they were outvoted by the delegates from the rural towns."—"*The Critical Period of American History, 1783-1789*," by John Fiske, pp. 76, 77.

The historian very properly speaks of these laws as barbarous. It is just such laws that some religious "reformers" are now endeavoring to foist upon the American people. History portrays the folly of attempting to make men religious by civil enactment. When the state invades the realm of conscience, it attempts to wield the scepter where God alone should rule. Separation of the state from the church is not opposition to Christianity, but it is recognizing the divine principle enunciated by the Master, "Render therefore unto Cæsar the things which are Cæsar's; and unto God the things that are God's." Matt. 22: 21.

### **Religious Freedom in Virginia**

The struggle for soul freedom was waged in Virginia even more persistently than in New England; and in Virginia the lamp of liberty, when lighted, shone a little brighter than in any other American colony.





### ROGER WILLIAMS AND THE NARRAGANSET INDIANS

It was Roger Williams who exclaimed, "What a monstrous paradox — God's children persecuting God's children!"

Commenting on the reason for the First Amendment to the Federal Constitution, the following statement by the *Ralston (Pa.) Herald* of April 28, 1910, is quite apropos:

"We wonder how many of our readers have read the history of New England's colonial times,—of the persecutions, the whipping of the Baptists and Quakers, and the banishing of Roger Williams, by the Puritans. The Puritans were not worse than other people; in fact, they were honest, hard-working people. You ask, Then how could they persecute inoffensive people? Simply because they were following wrong principles in government. They failed to make any separation between the church and the state. They thought that the stability of the state depended on the people's observing certain religious forms; and as the Baptists and Quakers would not conform to the religio-political order of government, they were punished, or rather persecuted. It was to prevent a repetition of such persecutions that the First Amendment to the Constitution was added. Did our forefathers make a mistake in separating the church and the state? If not, let us keep them separate. Liberty, both religious and civil, is safe only so long as the people understand the principles on which it is based."

On April 12, 1631, a letter was written to Mr. Endicott, by order of the general court of Massachusetts, in which the court charged Williams with having "declared his opinion that the magistrate might not punish a breach of the Sabbath, nor any other [religious] offense, as it was a breach of the first table."—"*Memoirs of Williams*," by Knowles, p. 45.

Williams "saw at a glance that corruption and persecution must work out in America the same results as they had wrought in England. At once, therefore, he protested, as a sound-minded man, that the magistrate might not punish a breach of the first table of the law, comprised in the first four of the ten commandments."—"History of the Baptists," p. 628.

Virginia's early settlers did not come to America to escape religious persecution, as did the Pilgrims, but to better themselves financially. They were members of the Anglican or state church in the old country, and very naturally made that the established church of the new colony.

A century and a half later the people of Virginia saw a new light. Strong men arose who had courage to oppose the oppressions of the established church. With voice and pen these large-hearted statesmen advocated freedom of religion, and eloquently pleaded for equality of all before the law.

Freedom to worship God did not come without a determined struggle, nor until the colonists had learned in the school of bitter experience the dire consequences of religious statutes. Notwithstanding magnificent leadership, clear vision, and the liberal laws then enacted, there are still to be found, even in the Old Dominion, some relics of the colonial union of church and state.

#### **Virginia First to Enact Sunday Laws**

In Virginia were enacted America's first and second Sunday laws. Following is the text of the first of these enactments:

"Every man and woman shall repair in the morning to the divine service and sermons preached upon the Sabbath day, and in the afternoon to divine service, and catechizing, upon pain for the first fault to lose their provision and the allowance for the whole week following; for the second, to lose the said allowance and also be whipped; and for the third, to suffer death."—*"Articles, Laws, and Orders, Divine, Politique, and Martial, for the Colony in Virginia."*

This law had one virtue,—it did not conceal its real purpose, which was to compel attendance at church. Traced to their source, that is the real object of all Sunday laws. No law compelling Sunday observance ever truly was, or ever can be civil. All are based on religion. Their promoters may endeavor to hide this by asserting that such legislation is civil, but this is not the fact. Sunday laws discriminate in favor of the sects which observe Sunday and against those which do not. "The enforced observance of a day held sacred by one of the sects, is a discrimination in favor of that sect, and a violation of the freedom of the others."—*9 California, 502.*

#### **Sunday Laws Condemn Honest Toil**

It may be said that this Virginia statute was extreme; but the same principle is in every Sunday law. The purpose of Sunday legislation is to punish one class for using that day in a way contrary to the ideas of another class. Sunday laws make men criminals for doing



### GOD-FEARING QUAKERS MANACLED AND ON TRIAL FOR THEIR FAITH

There is not complete religious liberty where any one sect is favored by the state and given an advantage by law over other sects. Whatever establishes a distinction against one class or sect, is, to the extent to which the distinction operates unfavorably, a persecution, and if based on religious grounds, a religious persecution. The extent of the discrimination is not material to the principle. It is enough that it creates an inequality of right or privilege.—*Thomas M. Cooley, in "Constitutional Limitations," fifth edition, 1883, chapter on religious liberty.*

on one day what is considered not only proper and lawful, but highly commendable, on other days of the week. Such laws send men to prison for honest toil and worthy deeds. "The proper object of government is to protect all persons in the enjoyment of their religious as well as civil rights, and not to determine for any whether they shall esteem one day above another, or esteem all days alike holy."— *United States Senate*.

The second Virginia Sunday law was unique. It declared:

"Whosoever shall absent himself from divine service any Sunday, without an allowable excuse, shall forfeit a pound of tobacco, and he that absenteth himself a month shall forfeit fifty pounds of tobacco."— *Henning's "Statutes at Large," Vol. I, p. 123*.

Notwithstanding the long years during which union of church and state prevailed, no one ever was put to death in Virginia because of his religious belief, as was the case in New England, which witnessed the hanging of four Quakers, three men and one woman. The severest punishment in Virginia was fine and imprisonment, penalties which were rigorously enforced.

### **Baptists and Presbyterians of Early Virginia**

In Virginia, as well as in Massachusetts, the state religion came in conflict with the Baptists, who were quiet and godly, but firm in contending for rights of conscience. When forbidden to preach contrary to the established church, they said with the apostles, "We cannot but speak the things which we have seen and heard." As a result, their ministers were arrested, fined, and imprisoned.

The church-and-state element also met strong opposition among the Presbyterians, many of whom had settled in Virginia. Their ministers were well educated and eloquent men, but this did not protect them from the wrath of the state church. Mr. Davies, a man of refinement, noble bearing, and deep piety, was apprehended and prosecuted for preaching contrary to the established church. Samuel Morris, a layman, was arrested and fined for giving Bible readings. His course in this respect was altogether too shocking to be endured by the state-supported clergy.

### **James Madison**

One day a lad stood outside a Virginia jail and listened to an imprisoned Baptist minister as he preached through a barred window. The minister was confined for preaching the gospel "unlawfully." The lad was James Madison. Ever afterward his heart burned against all religious persecution.



### PAGEANT REPRESENTING THE SIGNERS OF THE DECLARATION OF INDEPENDENCE

The great men who founded our republic did not found it "in any sense upon the Christian religion." It was not founded upon any religion. It proclaimed "liberty throughout all the land," guaranteeing to every man his right to choose what religion, if any, he might adopt as his own. So long as he conducts himself as a good citizen, he cannot, of right, be interfered with in the least in religious matters. The government is to know no difference in its protection between the man who professes no religion and the irreligious man.—Memorial of the Oregon Religious Liberty Association.

To round out his education, Madison went to Princeton, and sat at the feet of Dr. John Witherspoon. That broad-minded patriot instilled into the soul of his brilliant student a still broader conception of the rights of his fellow men.

In 1776 Madison, George Mason, Patrick Henry, and others eminent at that time, were sent to a convention called to draft a bill of rights for the Virginia Colony. It became the duty of George Mason to prepare the articles proposed for the Bill of Rights. As reported to the convention, Article 16 read as follows:

"That religion, or the duty we owe our Creator, and the manner of discharging it, can be directed only by reason and conviction, and not by force or violence; and, therefore, that all men should enjoy the fullest toleration in the exercise of religion, according to the dictates of conscience, unpunished and unrestrained by the magistrate, unless, under color of religion, any man disturb the peace, the happiness, or the safety of society; and that it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other."—*Edmund Randolph, manuscript, "History of Virginia;"* quoted in Tyler's "*Patrick Henry*," pp. 183, 184.

This was considered a long stride toward freedom; and so it was. But certain of the members viewed it with alarm. Even that great advocate of liberty and apostle of freedom, Patrick Henry, thought this article opened the gates too wide.

### **Liberty, Not Toleration, the Right of All**

To the mind of Madison, however, the article was not sufficiently specific. Nothing short of complete religious liberty would satisfy him. He insisted that liberty, not tolerance, was the right of every man. He also considered the limiting clause, "unless, under color of religion, any man disturb the peace, the happiness, or the safety of society," as inimical to the rights of conscience. A religious bigot can profess to be disturbed upon very slight pretext. A man has been known to walk more than a mile to learn whether his neighbor was at work on Sunday; and then, on seeing him quietly plowing in his field, to swear out a warrant for his arrest, alleging that his neighbor's Sunday work disturbed him. The guaranties of religious freedom cannot be made too broad.

Mr. Madison offered an amendment to the section as presented to the convention, and it was adopted. It read as follows:

"That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled



### • INDEPENDENCE HALL, PHILADELPHIA

Here the Declaration of Independence was signed, July 4, 1776. That immortal document declares:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."

The wise patriots who shaped the framework of this government sought the establishment of the principle of the entire divorcement of church and state. It was certain that religious ideals as such had no place in the business of governing. The questions involved in statecraft are purely secular. There is no question as to the importance, the value, the necessity of religion. The man who faithfully seeks to order his life along religious lines should be a good citizen. But the moment that man seeks to impress his religious convictions on others by force of law, he becomes unjust and tyrannical.—*Editorial in Leadville (Colo.) Herald-Democrat, Oct. 9, 1909.*

to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other.”—“*American Archives*,” *Fourth Series*, Vol. VI, pp. 1561, 1562.

William Wirt Henry says of this enactment:

“At the date of the Virginia Bill of Rights, although more than one sect had claimed religious freedom and an absolute divorce of church and state, no civil government had ever allowed the claim. Virginia led the way in incorporating into the very foundation of her government the principle upon which religious liberty is based.”

There can be no doubt that the adoption of Mr. Madison’s amendment was a great stride toward freedom; and supplementing, as it did, the fundamental truth stated in the Declaration of Independence, it gave additional strength to the cause of liberty in the New World.

#### **Memorial from the Presbytery of Hanover**

In this brief history of the rise of religious freedom, the part acted by the Presbyterians must not be overlooked. In 1776 the Presbytery of Hanover addressed a memorial to the General Assembly of Virginia, from which we quote as follows:

“In this enlightened age, and in a land where all of every denomination are united in most strenuous efforts to be free, we hope and expect our representatives will cheerfully concur in removing every species of religious as well as civil bondage. Certain it is, that every argument for civil liberty gains additional strength when applied in the concerns of religion; and there is no argument in favor of establishing the Christian religion but what may be pleaded with equal propriety for establishing the tenets of Mahomet by those who believe in Alcoran; or if this be not true, it is at least impossible for the magistrate to adjudge the right of preference among the various sects that profess the Christian faith, without erecting a chair of infallibility, which would lead us back to the Church of Rome.”—“*Old Churches and Families of Virginia*,” Bishop Meade, Vol. II, appendix, p. 440 et seq.

Again:

“Neither can it be made to appear that the gospel needs any such civil aid. We rather conceive that our blessed Saviour declares His kingdom is not of this world; He renounces all dependence upon state power.”—*Ibid.*

The following pertinent truths were also contained in this memorial:

“We would also humbly represent that the only proper objects of civil government are the happiness and protection of men in their present state of existence. . . . But that the duty which we owe to our





THE LIBERTY BELL

"The old bell now is silent,  
And hushed is its iron tongue;  
But the spirit it awakened  
Still lives — forever young.  
And while we greet the sunlight  
On the Fourth of each July,  
We'll ne'er forget the bellman,  
Who, 'twixt the earth and sky,  
Rang out our independence,  
Which, please God, shall never die!"

Creator, and the manner of discharging it, can only be directed by reason or conviction, and is nowhere cognizable but at the tribunal of the universal Judge." — *Ibid.*

No one will question the fact that Thomas Jefferson was a true American patriot. No one can be the advocate of civil freedom that he was, and at the same time give countenance to coercion in religion. He was as strong an advocate not only of civil but of religious freedom as was Madison. For nearly a decade he fought to establish religious liberty in Virginia, and in 1785 succeeded in having the following enacted into law:


### **The Virginia Law of 1785**

"WHEREAS, Almighty God hath created the mind free; that all attempts to influence it by temporal punishment, or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in His Almighty power to do . . . ;

"Be it enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened, in his body or goods, nor shall otherwise suffer on account of his religious opinions or beliefs; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities." — "*Code of Virginia, 1904,*" Vol. I, p. 770.

### **Protection of All Religions; Coercion of None**

Mr. Jefferson considered his work in securing this law of equal importance with his part in the adoption of the Declaration of Independence. The debates on this bill proved that its protection of religious opinions was intended to be universal. "Where the preamble declares that coercion is 'a departure from the plan of the holy Author of our religion,' an amendment was proposed by inserting the word 'Jesus Christ' so that it should read, 'a departure from the plan of Jesus Christ, the holy Author of our religion;' the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and infidel." — "*Writings of Thomas Jefferson,*" Vol. I, p. 45.





### WASHINGTON, JEFFERSON, AND MADISON

Discussing the Principles of Religious Freedom

Thomas Jefferson, in 1799, said: "I am for freedom of the press, and against all violations of the Constitution to silence by force and not by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents."

Standing at the head of a fine body of Virginia citizens who fought for soul freedom, was James Madison. Mr. Madison's position on the proper relation of church and state may be understood by the following from his pen: "Religion is not in the purview of human government." Again: "Religion is essentially distinct from civil government, and exempt from its cognizance. . . . A connection between them is injurious to both."

### **The Treaty with Tripoli**

The careful reader will see in this a forerunner of the statement made in the treaty with Tripoli in 1797:

"The Government of the United States of America is not in any sense founded on the Christian religion."—*"American State Papers," Class I, Foreign Relations, Vol. II, p. 18.*

That was no slur on the Christian religion, but a recognition of the fact that government is a civil and not a religious institution. Under the American flag, the rights of the Jew and the Mohammedan were as secure as those of the Christian. The fearful fruits of state-intrenched religious bigotry and intolerance had taught men wisdom.

In 1787 a convention was called in Philadelphia to frame a national Constitution. For five months the members sat in council, drafted the United States Constitution, and sent it to the States for ratification as the supreme law of the land. As thus ratified, it contained a clause which read:

"No religious test shall ever be required as a qualification to any office or public trust under the United States."—*Article VI, third paragraph.*

### **Jefferson's Liberal Views**

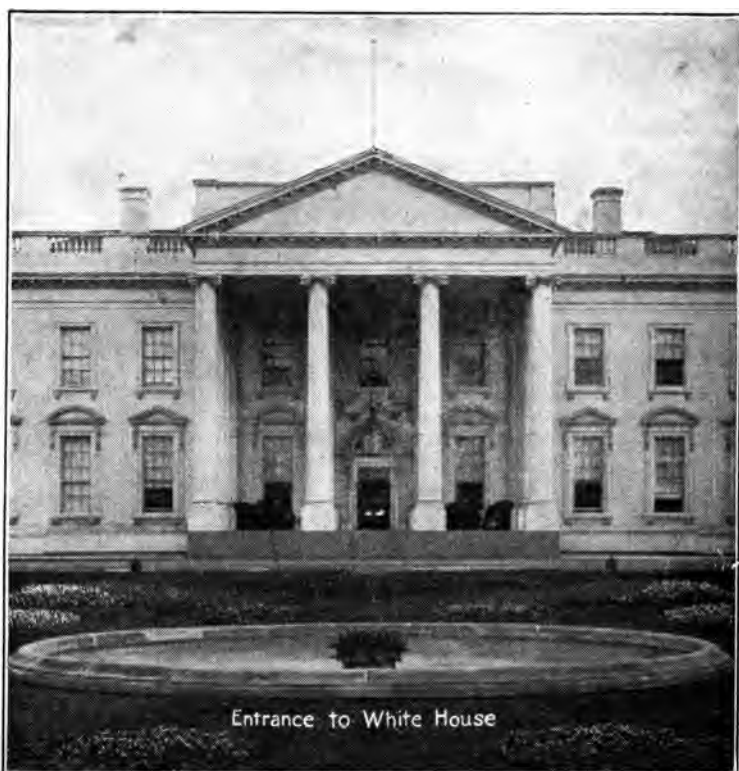
All will recognize the justness of this clause. Noted thinkers and statesmen the world over have voiced their praise of the Constitution.

However, in the minds of some of the statesmen, even this bulwark of religious freedom was not sufficient. Jefferson, who was in Europe at the time of the Constitutional Convention, wrote a letter to Madison in 1787, in which he told, as follows, what he did not like in the new Constitution:

"I do not like, first, the omission of a bill of rights, providing clearly, and without the aid of sophisms, for freedom of religion, freedom of the press, protection against standing armies. . . . A bill of rights is what the people are entitled to against every government on earth."—*"The Jeffersonian Cyclopedia," p. 88.*

When General Washington first became President, Mr. Madison was chosen a member of Congress. He brought with him to the national Legislature ten amendments, and urged their adoption by the first Congress under the new Constitution, which met in New York City, March 4, 1789. He offered the following preamble:

"The conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and



THE WHITE HOUSE, WASHINGTON, D. C.

If I could have entertained the slightest apprehension that the Constitution framed in the convention, where I had the honor to preside, might possibly endanger the religious rights of any ecclesiastical society, certainly I would never have placed my signature to it; and if I could now conceive that the general government might ever be so administered as to render the liberty of conscience insecure, I beg you will be persuaded, that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny, and every species of religious persecution.—“*Writings of George Washington*,” by Sparks, Vol. XII, p. 155.

In respect to matters purely of a religious nature the laws ought to be as silent as if there were no such thing as religion in the world. The law can have no religion, since it cannot have all. If it select that of one sect, it offends against that of all other sects. If it take into favor the religion of the majority, it tyrannizes over the minority; if it establish the religion of the Christian, it offends the infidel, the Jew, and the heathen.—“*Essay on Human Rights*,” by E. P. Hurlbut.

restrictive clauses should be added, and as extending the ground of public confidence in the government will best insure the beneficent ends of its institution."

### **The Character of Madison**

It may be well, just here, to say a few words regarding the character of Mr. Madison. It has been thought by some that antagonism to Christianity prompted the framers of the Constitution to refuse recognition of the Christian religion in that document. No such motive can be justly ascribed to Madison. He was a diligent student of the Scriptures and an earnest Christian. In his early life he thought seriously of entering the ministry. He was broad-minded enough, however, to discern the evils of church-and-state union, and did all in his power to protect the American government against a repetition of the mistakes of other nations.

In the first session of Congress convened under the Constitution, special emphasis was given to the First Amendment. "The minority," it was said, "must be protected. The majority will take care of themselves."

### **First Constitutional Amendment**

The original draft of the First Amendment read as follows:

"The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed."—*Annals of Congress*, Vol. I, col. 434.

The debates that followed the introduction of this amendment showed clearly that the founders of the government were fully awake to the evils resulting from a union of church and state, and were determined to safeguard freedom in religious faith and practice.

"Mr. Sherman thought the amendment altogether unnecessary, inasmuch as Congress had no authority whatever delegated to them by the Constitution to make religious establishments." Mr. Carroll said that "as the rights of conscience are, in their nature, of peculiar delicacy, and will little bear the gentlest touch of governmental hand; . . . he was much in favor of adopting the words."—*Id.*, col. 730.

Again, in this same place is recorded Mr. Madison's statement of what was in his mind, and what prompted him to introduce the amendment. We give the account exactly as found in the original record, made Aug. 15, 1789:



### STATUE OF LIBERTY ENLIGHTENING THE WORLD

He's true to God who's true to man; wherever wrong is done,  
To the humblest and the weakest, 'neath the all-beholding sun,  
That wrong is also done to us; and they are slaves most base,  
Whose love of right is for themselves, and not for all the race.

God works for all. Ye cannot hem the hope of being free  
With parallels of latitude, with mountain range or sea.  
Put golden padlocks on Truth's lips, be callous as ye will,  
From soul to soul, o'er all the world, leaps one electric thrill.

—James Russell Lowell.

### **Madison's Views on the State's Relation to Religion**

"Madison said, he apprehended the meaning of the words to be, that Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience." — *Ibid.*

Again:

"He [Madison] believed that the people feared one sect might obtain a pre-eminence, or two combine together, and establish a religion to which they would compel others to conform." — *Id.*, col. 731.

This shows the remarkable foresight of this young statesman. He had witnessed the evils of a union of church and state, and of the intolerance exercised by religious bigots whenever power had been placed in their hands. Madison's words are recalled as one sees the present-day efforts to federate the great religious bodies of the land. Let this once be accomplished, and religious liberty in this land will be a thing of the past.

Religion and the state operate in distinctly separate spheres. Neither must invade the realm of the other. A union of church and state is injurious to both. The lowest ebb the church ever reached was when it was united with, and supported by, the state. Endued with the power of the Holy Spirit, and urged on by the Saviour's great commission, the church has no need of earthly arms to advance its cause.

### **The Price of Liberty**

The first infringement upon the rights of conscience should be jealously opposed. "Eternal vigilance is the price of liberty." The greatest American orator said, "Liberty, the greatest of all earthly blessings — give us that precious jewel, and you may take everything else."

The great struggle for soul freedom won the day. It was not in vain that the Baptists and Quakers in New England, and the Baptists and Presbyterians in Virginia, hazarded reputation and even life for liberty. Far-seeing statesmen wrung from an unwilling and overbearing clergy recognition of the right of all men to worship God according to the dictates of conscience. Thus all American citizens became free to render "unto Cæsar the things which are Cæsar's; and unto God the things that are God's."





### IN THE CHAINGANG WITH COMMON CRIMINALS FOR WORKING ON SUNDAY

An actual scene in Rhea County, Tennessee. No. 1 was a minister of the gospel (now deceased). His offense was allowing some young students who were boarding with him to split wood on Sunday in a shed back of the house. No. 12 was the armed guard. All except Nos. 10 and 11 were devout Christians.

# RELIGIOUS PERSECUTION IN THE UNITED STATES

THE real character of a law is revealed by the motives which led to its enactment, and the results of its practical application. If its enforcement brings happiness to honest, industrious men, and restrains the work of evil-doers, the law is a good one. If, on the other hand, it opens the floodgates to religious prejudice, racial animosity, or personal spite; if through its workings good citizens are thrown into embarrassment, fined, and imprisoned, and their liberties restricted, this is positive evidence that the law is evil.

To say, "Such is the law," is not sufficient justification for its continued existence. The true principle may be stated in the words of Scripture, "The law is not made for a righteous man, but for the lawless and disobedient." 1 Tim. 1:9.

The real purpose of law is to restrain evil-doers, and to place citizens in a position where they are secure in the exercise of their natural rights. No matter how widely or strictly enforced the law may be, if it invades the realm of conscience and makes it possible for the intolerant to persecute their fellow men, it should be expunged at once from the statute books.

## Unjust Working of Sunday Laws

Tested by this standard, what is the character of Sunday laws? Have good men been made to suffer under them, or have such laws been generally beneficial? This question is not hard to answer. In many sections of our own land, and in numerous cases, those upon whom the Sunday-law penalties have fallen with greatest weight, have been industrious men, men who were good citizens.

Despite the freedom in religion guaranteed by both the Federal Constitution and the State constitutions, and the clauses in these documents forbidding legislators to pass religious laws, certain agencies have been constantly at work to override and overthrow these barriers against intolerance. Strenuous efforts to revive the ancient New England blue laws, or at least to prohibit by civil law all Sunday labor, have been of late years redoubled. Sunday-law lobbyists in the halls of Congress have met with poor success, but it is significant that most of the States of the Union have yielded to the persistent demands of a few zealous but misguided religionists, and that only a few States remain untram-



### IN BONDS FOR CHRIST'S SAKE

The Apostle Paul Before King Agrippa, Festus, and Bernice

Paul said, "I would to God, that not only thou, but also all that hear me this day, were both almost, and altogether such as I am, except these bonds." Acts 26: 29.

Dr. Philip Schaff well says: "The church, as such, has nothing to do with the state except to obey its laws and to strengthen its moral foundations; the state has nothing to do with the church except to protect her in her property and liberty; and the state must be equally just to all forms of belief and unbelief *which do not endanger the public safety.*"—*Church and State*," p. 10.

meled by Sunday laws. Fines, jail terms, and even untimely death brought on by the hardships of religious persecution made possible by Sunday laws, have been the portion of upright, honest American citizens in the nineteenth and twentieth centuries. Bigoted religious enthusiasts have been active, even as late as 1920, and have thrown into jail honest and inoffensive citizens for no greater crime than driving a horse and wagon along a country road on Sunday.

During 1895 and 1896 no less than seventy-six God-fearing Seventh-day Adventists were prosecuted in the United States and Canada under numerous Sunday laws. Of these, twenty-eight in Tennessee, Maryland, Arkansas, California, and Canada served a total of 1,144 days in jail and in the chain gang with common criminals.

### **Religious Persecution in Arkansas**

The years from 1885 to 1887 saw numerous prosecutions in Arkansas, though the constitution of that State declares:

"All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent. No human authority can, in any case or manner whatsoever, control or interfere with the right of conscience; and no preference shall ever be given by law to any religious establishment, denomination, or mode of worship above any other."—*Article 2, sec. 24.*

Notwithstanding this guaranty, the Arkansas Legislature enacted a law forbidding common labor on Sunday, and in 1885 repealed an exemption clause permitting observers of the seventh day to work on the other six days. Among the God-fearing, peaceable citizens who were arrested and sent to jail for Sunday labor were Pastor J. W. Scoles, of Springdale, Ark., for spending two hours on Sunday painting the rear end of a church, out of sight from the public road; J. A. Armstrong, of Springdale, Ark., for digging potatoes in his garden on Sunday; and Z. Swearingen and his son, living eleven miles south of Bentonville, Ark., for hauling fence rails on Sunday.

Mr. Armstrong, when arrested in July, 1886, called for the affidavit on which the writ was issued. Mayor S. L. Staples, of Springdale, before whom he was taken for trial, said he himself had seen Mr. Armstrong at work in his garden on Sunday, a Mr. A. J. Vaughn having called his attention to Mr. Armstrong while he was at work, and said, "Now see that you do your duty." This, the mayor said, made an affidavit unnecessary.



### CHRISTIAN MARTYRS AT ROME

Bigotry has no head and cannot think, no heart and cannot feel. When she moves, it is in wrath; when she pauses, it is amid ruin. Her prayers are curses, her god is a demon, her communion is death, her vengeance is eternity, and her decalogue is written in the blood of her victims.—*Daniel O'Connell*.

All Sunday legislation is the product of pagan Rome; the Saxon laws were the product of middle-age legislation of "the Holy Roman Empire." The English laws are the expansion of the Saxon, and the American are the transcript of the English. The first Sunday law, the edict of the emperor Constantine, was the product of that pagan conception developed by the Romans which made religion a part of the state. The day was to be venerated as a religious duty owed to the god of the sun.—*Pennsylvania Superior Court Reports, Vol. XXV, p. 134.*

Well has it been said by the great scholar and thinker, Philip Schaff: "Secular power has proved a satanic gift to the church, and ecclesiastical power has proved an engine of tyranny in the hands of the state."—*"Church and State," p. 11.*

It is proper to take alarm at the first experiment upon our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of the noblest characteristics of the late Revolution.

Experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of religion, have had a contrary operation. During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less, in all places, pride and indolence in the clergy; ignorance and servility in the laity; in both, superstition, bigotry, and persecution. . . .

Torrents of blood have been spilt in the Old World in consequence of vain attempts of the secular arm to extinguish religious discord by proscribing all differences in religious opinion.—*James Madison, in his Memorial to the General Assembly of Virginia, in 1785.*

Mr. Armstrong was fined one dollar and costs, amounting to \$4.65. In default of payment, the mayor ordered him sent to the county jail, allowing him one dollar a day until the fine and costs were paid.

### **In Jail for Conscience' Sake**

Within four hours from the time of his arrest, Mr. Armstrong, in charge of the marshal, was on his way to the jail at Fayetteville. He was locked up with another prisoner, with nothing but a little straw and a dirty blanket about thirty inches wide for a bed for both. The next night he was allowed to lie in the corridor on the brick floor, with his alpaca coat for a bed, and his Bible for a pillow. The third night a friend in town furnished him a quilt and a pillow. On the fourth night his friend brought him another quilt, and thus he was made quite comfortable. On the fifth day, at noon, he was released.

Upon his return to Springdale, the mayor notified Mr. Armstrong that his fine and costs were not satisfied, and that unless they were paid within ten days, an execution would be issued and his property sold. Mr. Armstrong filed an appeal to the circuit court. The appeal was sustained, and Mr. Armstrong was released from further penalty.

### **Honest Citizens Behind Prison Bars**

Mr. Swearingen and his son, a youth of seventeen years, were lodged in jail Oct. 1, 1886. Thirteen days later the sheriff levied on and took possession of a horse belonging to Mr. Swearingen. This he sold at public sale on October 25 for \$26.50, leaving a balance against Mr. Swearingen of \$7.70. However, Mr. Swearingen and his son were released the day the horse was sold. On December 15 the sheriff again appeared upon Mr. Swearingen's premises, and presented a bill for \$28.95, of which \$21.25 was for the board of Mr. Swearingen and his son while in jail, and the remainder—\$7.70—the balance of the fine. Mr. Swearingen had on hand no money to pay the bill. The sheriff then levied on his mare, harness, wagon, cow, and calf. Before the day of sale, however, Mr. Swearingen's fellow church members raised the money by donations, paid the bill, and secured the release of the property.

It is significant that the witness upon whose testimony Mr. Swearingen and his son were convicted said the rails were hauled on Sunday, February 14, but the act repealing the exemption clause was not passed until March 3. The act was not approved by the governor until March 7, consequently these two men were convicted for honest work done twenty-one days before the measure under which they were convicted became a law.



### CHRISTIAN MARTYRS AT ROME

Bigotry has no head and cannot think, no heart and cannot feel. When she moves, it is in wrath; when she pauses, it is amid ruin. Her prayers are curses, her god is a demon, her communion is death, her vengeance is eternity, and her decalogue is written in the blood of her victims.—*Daniel O'Connell*.

All Sunday legislation is the product of pagan Rome; the Saxon laws were the product of middle-age legislation of "the Holy Roman Empire." The English laws are the expansion of the Saxon, and the American are the transcript of the English. The first Sunday law, the edict of the emperor Constantine, was the product of that pagan conception developed by the Romans which made religion a part of the state. The day was to be venerated as a religious duty owed to the god of the sun.—*Pennsylvania Superior Court Reports, Vol. XXV, p. 134.*

Well has it been said by the great scholar and thinker, Philip Schaff: "Secular power has proved a satanic gift to the church, and ecclesiastical power has proved an engine of tyranny in the hands of the state."—*"Church and State," p. 11.*

It is proper to take alarm at the first experiment upon our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of the noblest characteristics of the late Revolution.

Experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of religion, have had a contrary operation. During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less, in all places, pride and indolence in the clergy; ignorance and servility in the laity; in both, superstition, bigotry, and persecution. . . .

Torrents of blood have been spilt in the Old World in consequence of vain attempts of the secular arm to extinguish religious discord by proscribing all differences in religious opinion.—*James Madison, in his Memorial to the General Assembly of Virginia, in 1785.*

Mr. Armstrong was fined one dollar and costs, amounting to \$4.65. In default of payment, the mayor ordered him sent to the county jail, allowing him one dollar a day until the fine and costs were paid.

### **In Jail for Conscience' Sake**

Within four hours from the time of his arrest, Mr. Armstrong, in charge of the marshal, was on his way to the jail at Fayetteville. He was locked up with another prisoner, with nothing but a little straw and a dirty blanket about thirty inches wide for a bed for both. The next night he was allowed to lie in the corridor on the brick floor, with his alpaca coat for a bed, and his Bible for a pillow. The third night a friend in town furnished him a quilt and a pillow. On the fourth night his friend brought him another quilt, and thus he was made quite comfortable. On the fifth day, at noon, he was released.

Upon his return to Springdale, the mayor notified Mr. Armstrong that his fine and costs were not satisfied, and that unless they were paid within ten days, an execution would be issued and his property sold. Mr. Armstrong filed an appeal to the circuit court. The appeal was sustained, and Mr. Armstrong was released from further penalty.

### **Honest Citizens Behind Prison Bars**

Mr. Swearingen and his son, a youth of seventeen years, were lodged in jail Oct. 1, 1886. Thirteen days later the sheriff levied on and took possession of a horse belonging to Mr. Swearingen. This he sold at public sale on October 25 for \$26.50, leaving a balance against Mr. Swearingen of \$7.70. However, Mr. Swearingen and his son were released the day the horse was sold. On December 15 the sheriff again appeared upon Mr. Swearingen's premises, and presented a bill for \$28.95, of which \$21.25 was for the board of Mr. Swearingen and his son while in jail, and the remainder — \$7.70 — the balance of the fine. Mr. Swearingen had on hand no money to pay the bill. The sheriff then levied on his mare, harness, wagon, cow, and calf. Before the day of sale, however, Mr. Swearingen's fellow church members raised the money by donations, paid the bill, and secured the release of the property.

It is significant that the witness upon whose testimony Mr. Swearingen and his son were convicted said the rails were hauled on Sunday, February 14, but the act repealing the exemption clause was not passed until March 3. The act was not approved by the governor until March 7, consequently these two men were convicted for honest work done twenty-one days before the measure under which they were convicted became a law.





### THE CATACOMBS UNDER THE HILLS NEAR ROME

I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man.—*Thomas Jefferson*.

"Wherever they [the early Christians] sought refuge, the followers of Christ were hunted like beasts of prey. . . . The catacombs afforded shelter for thousands. Beneath the hills outside the city of Rome, long galleries had been tunneled through earth and rock; the dark and intricate network of passages extended for miles beyond the city walls. In these underground retreats, the followers of Christ buried their dead; and here also, when suspected and proscribed, they found a home. When the Life-giver shall awaken those who have fought the good fight, many a martyr for Christ's sake will come forth from those gloomy caverns.—*Mrs. E. G. White*, in "*The Great Controversy*," p. 40.

### **Persecution in Tennessee**

Similar prosecutions also took place in Tennessee, in spite of the following guaranties of its constitution:

"No human authority can, in any case whatever, control or interfere with the rights of conscience;" and, "No preference shall ever be given by law to any religious establishment or mode of worship." — *Article 1, sec. 3.*

W. B. Capps was, on June 26, 1894, lodged in the county jail of Dresden, Weakley County, Tenn., for the crime (?) of plowing a piece of fallow ground in the middle of a field of grown corn three quarters of a mile from any public road. Mr. Capps had a wife and four children, one of whom was sick at the time of the father's imprisonment. He was a poor man and unable to support his family during his confinement. Mr. Capps bore the following testimony:

"During my imprisonment I saw the same kinds of work done on Sunday that were followed every other day of the week. While I was in prison, beeves were killed and hauled through the town [on Sunday] to the place of sale. Dry goods were sold [on Sunday], and bookkeeping was going on unmolested." The only ones who seemed to be called upon to suffer were those who kept the Sabbath according to the commandment. Thus singling out and prosecuting those who keep the commandments, shows to unprejudiced minds that we are making progress toward the spirit of the Dark Ages.

### **The "Crime" of Hoeing Corn**

On Dec. 16, 1913, J. S. Rooker, of Hustburg, Tenn., was convicted and fined for the terrible "crime" of hoeing corn on Sunday, after having faithfully observed the Sabbath of Jehovah. The work was done in the Tennessee River bottoms, three miles from a public road and a mile and a half from any house. There was no charge of disturbing the peace, of rioting, of intemperance, of burglary, of dishonesty, or of injuring his neighbors, against this inoffensive Christian tiller of the soil. Practically the only charge against him was that he was religious, but refused to be religious after the fashion of his accusers.

In 1916 Mrs. Dusana Hudak, of Linden, N. J., was arrested and fined for carrying seven apples from under a tree in a neighbor's orchard on Sunday. Mrs. John Deventer, owner of the orchard, told the court that she had given Mrs. Hudak permission to take as much of the fruit as she wanted. "Even if she did not steal the apples," said the magistrate, "she ought not to have been carrying them on Sunday," and he promptly fined the defendant five dollars and costs. A few weeks

later the same magistrate fined John Sepp, an ice dealer, for "giving away on Sunday ice that was needed for a sick baby." Such travesties of justice are the logical outcome of even a modern Sunday law. Such religious zealots would have arrested Christ and His disciples when they stepped out of the wheatfield in Judea on the Sabbath day.

### **Under Arrest for Returning a Borrowed Wagon**

In 1919, Mrs. Della Post, a Seventh-day Adventist, was arrested in Cherokee County, North Carolina, for breaking the Sunday law. The specific charge was "hauling wood on Sunday." The evidence, as presented at Murphy, the county seat, showed that Mrs. Post was the breadwinner for an invalid husband and a family of children, and that she was returning a one-horse wagon that she had borrowed from a neighbor. She had thrown a few armfuls of wood into the wagon to give to the one from whom she had borrowed the vehicle.

A deputy sheriff, who was anxious to arrest a Seventh-day Adventist, was lying in wait. He arrested her when she drove past his place, and compelled her to hitch her mule and go with him a long distance over the mountain to a justice of the peace, where he preferred charges against her, and then let her return home by herself late in the night over a dangerous and lonely mountain road.

### **Unjustly Harrassed by the Sunday Law**

Later, she was compelled under summons to make a long trip to the Murphy Court House, where, at her own charges, she awaited trial for more than a week, and then was informed that the case was postponed to the next term of court. She was then summoned again, and was obliged to wait a long while before her case was called. Though the jury finally acquitted her, she was not recompensed for the loss of her time nor for her attorney's fees. She was clearly a victim of religious persecution.

### **Sunday-Law Enforcement in Tangier, Va.**

Still more recently, in the town of Tangier, Va., on Sunday, April 11, 1920, Roland Parks, a youth of seventeen years, was shot through the body while resisting arrest for refusing to go to church or indoors (he was sitting on a porch) during church service hours, as required by the town Sunday ordinance.

The town has but one church, and the mayor and town officials are also officers of the church. They passed an ordinance that nobody in

the town should be permitted "to sit on a porch or stand on a street on Tangier Island on Sunday, during church services"—every one must either go to church or hide within the precinct of his own home.

### **Shot for Refusing to Go to Church**

The American Colonies, under a union of church and state, passed laws expressly commanding all people, under penalty, "to attend divine services on Sunday." The town of Tangier, it appears, is still living under the old régime. The constable, Charles Connorton, came down the street during the hours of church service, spying out people's liberties, and observing young Parks sitting on the porch, commanded him to go to church or to hide himself within his father's house. Young Parks refused to do either, whereupon the constable seized him by the shoulder to compel him to go to church. The boy jerked away, when Connorton grabbed him again, bent him back over the iron fence, choked him, and drew his gun, threatening to shoot him if he refused to obey his orders. The boy refused, whereupon Connorton shoved the gun against the boy's stomach and fired. Young Parks fell to the ground as a 44-caliber bullet tore its way through his body. Fortunately, the boy was rushed by his relatives to the marine hospital in Crisfield, where by prompt medical and surgical aid he was saved from an untimely death.<sup>1</sup>

### **A Lasting Lesson**

This affair in the town of Tangier, Va., taking place in 1920, ought to teach Americans a lasting lesson concerning the baneful results of a practical though disavowed union of church and state. Church power centralized in the hands of a few men, coupled with civil jurisdiction, is always dangerous. The spirit of intolerance and religious bigotry is not yet dead.

We might continue this list of Sunday-law prosecutions almost indefinitely, but these few cases will suffice to show the real animus of such work, and will, we hope, serve as a warning and deterrent for the future.

---

<sup>1</sup> The officer who shot young Parks was subsequently prosecuted for unjustifiable assault with a deadly weapon, and being found guilty, was sentenced to serve one year in the State penitentiary at Richmond, Va., to which institution he was committed Oct. 16, 1920, the supreme court having sustained the action of the trial court and the governor having refused a pardon.



RELIGIOUS PERSECUTION IN THE THIRD CENTURY

## **SENATOR CROCKETT'S SPEECH AGAINST SUNDAY LAWS IN ARKANSAS**

OF interest to all lovers of liberty is the eloquent address of Senator Robert H. Crockett before the Arkansas Legislature in the spring of 1887. The heart of this patriot was stirred as he saw the intolerance of religious bigots, and eloquently he pleaded for freedom of conscience and that religious persecution might cease. The following is his speech as reported at the time:

"Mr. President: I had hoped, before saying anything myself in support of this bill [restoring religious freedom to Sabbatarians], to have heard the clarion tones of my friend Williams of Pulaski, and the silvery voice of Senator Byrne of Miller, in its favor, as I know their sentiments are in full accord with its provisions, and they are not wont to be backward in couching a lance to right a wrong. But, sir, before you put the question, I feel impelled to say a few words in its behalf, not only as the introducer, but because, for reasons which will develop as I proceed, the senate will realize that I am personally interested in its passage.

### **Ashamed of Ill-Advised Legislation**

"Sir, I take shame to myself as a member of the general assembly of 1885, which repealed the act of religious protection [to Sabbatarians] which this bill is intended to restore. It was hasty and ill-advised legislation, and like all such, has been only productive of oppressive persecution upon many of our best citizens, and of shame to the fair fame of our young and glorious State. Wrong in conception, it has proved infamous in execution: and under it such ill deeds and foul oppressions have been perpetrated upon an inoffensive class of free American citizens in Arkansas, for conscience' sake, as should mantle the cheek of every lover of his State and country with indignant shame.

"For nearly half a century, the laws of our State, constitutional and statutory, were in accord with our national Constitution, in guaranteeing to every citizen the right to worship God in the manner prescribed by his own conscience, and that alone. The noble patriots who framed our nation's fundamental law with the wisdom taught by the history of disastrous results in other nations from joining church and state, and fully alive to so great a danger to our republican institutions and their perpetuity, so wisely constructed that safeguard of our



### CHRISTIANS AWAITING EXECUTION IN ROME

"He that loveth father or mother more than Me is not worthy of Me; and he that loveth son or daughter more than Me is not worthy of Me."—*Jesus Christ*. (See Matt. 10: 37.)

Thomas Jefferson said, in the Virginia Act for Establishing Religious Freedom (passed in 1785):

"Almighty God hath created the mind free; . . . all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in His almighty power to do."

American liberties that for forty years after its ratification there was no effort to interfere with its grand principle of equal protection to all, in the full enjoyment and exercise of their religious convictions. Then petitions began to pour in from the New England States upon the United States Senate 'to prevent the carrying and delivery of the mails upon Sunday,' which they declared was set aside by 'divine authority as a day to be kept holy.'

"The petitions were referred to the committee on postal matters, and the report was made by Hon. Richard M. Johnson, one of the fathers of the Democratic party. I quote the following from that report, which was adopted unanimously, and 'committee discharged:'

#### **Law of God Made an Excuse for Persecution**

"Among all the religious persecutions with which almost every page of modern history is stained, no victim ever suffered but for violation of what government denominated the law of God. To prevent a similar train of evils in this country, the Constitution has withheld the power of defining the divine law. It is a right reserved to each citizen. And while he respects the rights of others, he cannot be held amenable to any human tribunal for his conclusions. . . . The obligation of the government is the same on both these classes [those who keep Saturday and those who keep Sunday]; and the committee can discover no principle on which the claims of one should be more respected than those of the other, unless it be admitted that the consciences of the minority are less sacred than those of the majority.'

"Listen to that last sentence — but again I quote:

"What other nations call religious toleration we call religious rights. They are not exercised in virtue of governmental indulgence, but as rights, of which government cannot deprive any portion of citizens, however small. Despotism may invade these rights, but justice still confirms them.'

#### **The Legitimate Bounds of Civil Law**

"And again:

"Let the national Legislature once perform an act which involves the decision of a religious controversy, and it will have passed its legitimate bounds. The precedent will then be established, and the foundation laid, for the usurpation of the divine prerogative in this country, which has been the desolating scourge to the fairest portions of the Old World. Our Constitution recognizes no other power than that of persuasion, for enforcing religious observances.'





### THE APOSTLE PAUL IMPRISONED AT ROME FOR FAITH IN CHRIST

The function of religion, as we interpret it, is to reach the individual through moral and spiritual agencies. It deals with those profound problems of man's spiritual nature which affect his relations with the unseen Power that rules the universe. In these matters widely divergent views have swayed the masses of mankind; and as religions have grown and crystallized, there have grown up ecclesiastical hierarchies closely connected with the temporal government which undertook to regulate the opinions of the people with reference to their theology. — *Herald-Democrat, Leadville, Colo., Oct. 9, 1909.*

Those who drew the plan of our national government built the system upon the principle that religion and civil government were to be kept entirely distinct; and, for the most part, all the State governments are constructed upon the same theory. . . . Such is the great American principle in respect to the sphere of civil government.— *Samuel T. Spear, D. D.*

There is not a precept in the New Testament to compel by civil law any man who is not a Christian, to pay any regard to the Lord's day, any more than to any other day.

Therefore to compel a man who is not a Christian to pay any regard to the Lord's day, more than to any other day, is without the authority of the Christian religion.

The gospel commands no duty which can be performed without faith in God. "Whatever is not of faith is sin."

But to compel men destitute of faith, to observe any Christian institution, such as the Lord's day, is commanding a duty to be performed without faith in God.

Therefore to command unbelievers, or natural men, to observe in any sense the Lord's day is anti-evangelical, or contrary to the gospel.— *Alexander Campbell's "Memoirs," Vol. 1, p. 528.*

"Sir, it was my privilege during the last two years to travel through our Northwestern States in the interest of immigration. I delivered public lectures upon the material resources of Arkansas, and the inducements held out by her to those who desired homes in the new State. I told them of her cloudless skies and tropical climes, and bird songs as sweet as vesper chimes. I told them of her mountains and valleys, of her forests of valuable timber, her thousands of miles of navigable waters, her gushing springs, her broad, flower-decked, and grass-carpeted prairies, sleeping in the golden sunshine of unsettled solitude. I told them, sir, of the rich stores of mineral wealth sleeping in the sunless depths of her bosom. I told them of our God-inspired liquor laws, of our 'pistol laws,' of our exemption laws, and oh, sir,—God forgive me the lie,—I told them that our constitution and laws protected all men equally in the enjoyment and exercise of their religious convictions. I told them that the sectional feeling engendered by the war was a thing of the past, and that her citizens, through me, cordially invited them to come and share this glorious land with us, and aid us to develop it.

#### **Desirable Citizens**

"Many came and settled up our wild lands and prairies, and where but a few years ago was heard in the stillness of the night the howl of the wolf, the scream of the panther, and the wail of the wildcat, these people for whom I am pleading, came and settled;—and behold the change! Instead of the savage sounds incident to the wilderness, now are heard the tap, tap, tap, of the mechanic's hammer, the rattle and roar of the railroad, the busy hum of industry; and softer, sweeter far than all these, is heard the music of the church bells as they ring in silvery chimes across the prairies and valleys, and are echoed back from the hillsides throughout the borders of our whole State.

"These people are, many of them, Seventh-day Adventists and Seventh Day Baptists. They are people who religiously and conscientiously keep Saturday, the seventh day, as the Sabbath, in accordance with the fourth commandment. They find no authority in the Scripture for keeping Sunday, the first day of the week, nor can any one else. All commentators agree that Saturday is and was the Scriptural Sabbath, and that the keeping of Sunday, the first day of the week, as the Sabbath, is of human origin and not by divine injunction. The Catholic writers and all theologians agree in this.

"These people understand the decalogue to be fully as binding upon them today as when handed down amid the thunders of Sinai. They do not feel at liberty to abstain from their usual avocations, because they



### THE PURPOSE OF "GOOD" SUNDAY LAWS

Largely through the efforts of religious organizations nearly every State in the Union now has one or more Sunday laws. The true purpose of these laws is shown above. A champion of enforced Sunday rest says:

"Give us good Sunday laws, well enforced by men in local authority, and our churches will be full of worshipers, and our young men and women will be attracted to the divine service. A mighty combination of the churches of the United States could win from Congress, the State legislatures, and municipal councils, all legislation essential to this splendid result."—Rev. S. V. Leech, D. D., in the *Homiletic Review*, November, 1892.

The experience of centuries shows that you will in vain endeavor to preserve Sunday as a day of rest unless you preserve it as a day of worship.—Dr. Joseph Cook, "*Boston Monday Lectures*," 1887.

Under the Constitution as it now is, every man may worship God according to the dictates of his own conscience, without suffering any civil or political disability therefor. Under the Constitution as revised by the National Reform Association and its allies, there would be no guaranty of the religious freedom of any person in the nation.

read the commandment, 'Six days shalt thou labor,' as mandatory, and they believe that they have no more right to abstain from labor on the first day of the week than they have to neglect the observance of Saturday as their Sabbath. They agree with their Christian brethren of other denominations in all essential points of doctrine, the one great difference being upon the day to be kept as the Sabbath. They follow no avocations tending to demoralize the community in which they live. They came among us expecting the same protection in the exercise of their religious faith as is accorded to them in all the states of Europe, in South Africa, Australia, the Sandwich Islands, and every State in the Union except, alas! that I should say it, Arkansas! Sir, under the existing law, there have been in Arkansas, within the last two years, three times as many cases of persecution for conscience' sake, as there have been in all the other States combined since the adoption of our national Constitution.

#### **Arrest of Mr. Swearingen and His Son**

"Let me, sir, illustrate the operation of the present law by one or two examples. A Mr. Swearingen came from a Northern State and settled on a farm in ——— County. His farm was four miles from town, and far away from any house of religious worship. He was a member of the Seventh-day Adventist Church, and after having sacredly observed the Sabbath of his people (Saturday) by abstaining from all secular work, he and his son, a lad of seventeen, on the first day of the week went quietly about their usual avocations. They disturbed no one—interfered with the rights of no one. But they were observed, and reported to the grand jury—indicted, arrested, tried, convicted, fined; and having no money to pay the fine, these moral, Christian citizens of Arkansas were dragged to the county jail and imprisoned like felons for twenty-five days—and for what? For daring in this so-called land of liberty, in the year of our Lord 1885, to worship God. Was this the end of the story? Alas, no, sir! They were turned out; and the old man's only horse, his sole reliance to make bread for his children, was levied on to pay the fine and costs, amounting to \$34.20. The horse sold at auction for \$26.50. A few days afterward the sheriff came again and demanded \$28.95—\$7.70 balance due on fine and costs, and \$21.25 for board for himself and son while in jail. And when the poor old man—a Christian, mind you—told him with tears that he had no money, he promptly levied on his only cow, but was persuaded to accept bond, and the amount was paid by contributions from his friends of the same faith. Sir, my heart swells to bursting with indignation as I repeat to you the infamous story.



THE CRUEL LASH OF BIGOTRY

Sunday laws will never bring that Utopia, the brotherhood of man. They will never instill into the carnal heart the love of God. Instead of being a blessing to mankind, the Sunday-law lash begets hatred, animosity, bitterness, spying upon neighbors, hypocrisy, and a host of other evils. It establishes a precedent for the enactment of many other religious laws. These build a barrier to independent investigation and constructive criticism. Followed to their logical conclusion, they lead not only to ignorance and superstition, but to persecution and martyrdom.

"Another, and I am done. Sir, I beg you and these senators to believe that these are neither fancy nor exaggerated sketches. Five years ago a young man newly married came to ——— County, from Ohio. He and his wife were Seventh Day Baptists. The young girl had left father and mother, brothers and sisters, and all the dear friends of her childhood, to follow her young husband to Arkansas—to them the land of promise. The light of love sparkled in her bright, young eyes. The roses of health were upon her cheeks, and her silvery laugh was sweet music, of which her young husband never wearied. They purchased a little farm, and soon, by tireless industry and frugal thrift, their home blossomed like a rose in the wilderness. After a while a fair young babe came to them to brighten the sunshine and sweeten the bird songs. They were happy in each other's affection and their love for the little one. For them 'all things worked together for good;' for, in their humble, trusting way, they worshiped God and loved their fellow men.

### **The Ugly, Venomous Head of Persecution**

"Two years ago the law under which their prosperity and happiness had had its growth was repealed! Accursed be the day which brought such a foul blot upon our State's fair fame! A change, sudden, cold, and blasting as an arctic storm, came over their lives, and pitilessly withered all their bright flowers of hope. Under this repeal, persecution lifted its ugly, venomous head. The hero of my sad story was observed by an envious, jealous neighbor, quietly working, as he believed God had commanded him, on Sunday. He was reported to that inquisitorial relic of barbarism, the grand jury—indicted, tried, convicted, and thrown into jail because his conscience would not let him pay the fine. Week after week dragged its slow length along. Day after day the young wife, with baby in her arms, watched at the gate for his coming, and like Tennyson's Marianna—

"She only said, "My life is dreary,  
He cometh not," she said;  
She said, "I am aweary, aweary,  
I would that I were dead!"

"Then baby sickened and died; the light in the young wife's eyes faded out in tears; her silvery laugh changed to low, wailing sobs. Pale-faced Misery snatched the roses from her cheeks, and planted in their stead her own pallid hue. Sir, how can I go on? At length the cruel law was appeased and this inoffensive citizen (except that he had loved God and sought to obey Him) was released from prison and dragged his weary feet to the happy home he had left a few short weeks before.



HUGUENOTS IN PRISON FOR CONSCIENCE' SAKE

Who can preserve the rights and liberties of a people when they shall be abandoned by themselves? Who shall keep watch in the temple when the watchmen sleep at their post? Who shall call upon the people to redeem their possessions and revive the republic when their own hands have deliberately and corruptly surrendered them to the oppressor and have built the prisons and dug the graves of their own friends? The dark picture, it is to be hoped, will never be applicable to the republic of America. And yet it affords a warning, which, like all the lessons of past experience, we are not permitted to disregard. America, free, happy, and enlightened as she is, must rest the preservation of her rights and liberties upon the virtue, independence, justice, and sagacity of the people. If either fail, the republic is gone.— *Judge Joseph Story.*

Suppose, instead of an overwhelming majority of Protestants' holding certain views as to Sunday (which was the fact when the Act of 1794 was passed), an equally preponderating majority of the Roman Catholic faith should exist in this commonwealth, and, in accordance with that majority, the representatives in the Legislature should in prevailing numbers be of the same religious persuasion; and suppose such a Legislature should pass a law forbidding the use of meats as food on Friday, out of deference to the religious views and sensibilities of the majority — how could such legislation be held to be invalid if the Act of 1794 is sustained? — *Argument of Judge James G. Gordon, in his decision declaring the Pennsylvania Sunday laws religious and unconstitutional, in Philadelphia, March 23, 1903.*

Liberty is not a matter of grace; it is an inherent right; and history abounds in illustrations of the truth that real liberty is secure only where the government is powerless to invade it. There is as much, if not greater, need of limitations on the power of government in pure democracies as in monarchies.

There is no despotism in history more cruel and merciless than the despotism of the unbridled majority.— *Congressional Record, May 29, 1911, p. 1606.*

He met his neighbors at the gate, bearing a coffin. He asked no question; his heart told him all. No, not all! He knew not—he never could know—of her lonely hours, of her bitter tears, of the weary watching and waiting, of the appeals to God, that God for whom she had suffered so much, for help in the hour of her extremity, of baby's sickness and death. He could not know of these. But he went with them to the quiet country burial place and saw beside the open grave a little mound with dirt freshly heaped upon it, and then he knew that God had taken both his heart's idols and he was left alone. His grief was too deep for tears. With staring eyes he saw them lower the body of his young wife into the grave. He heard the clods rattle upon the coffin, and it seemed as if they were falling upon his heart. The work was done, and they left him with his dead; and then he threw himself down between the graves with an arm across each little mound, and the tears came in torrents and kept his heart from breaking. And then he sobbed his broken farewell to his darlings and left Arkansas forever—left it, sir, as hundreds of others are preparing to leave if this general assembly fails to restore to them the protection of their rights under the constitution, national and State.

### **Criminals for Daring to Worship God**

"On next Monday, at Malvern, six as honest, good, and virtuous citizens as live in Arkansas are to be tried as criminals for daring to worship God in accordance with the dictates of their own consciences, for exercising a right which this Government, under the Constitution, has no power to abridge.

"Sir, I plead, in the name of justice, in the name of our republican institutions, in the name of these inoffensive, God-fearing, God-serving people, our fellow citizens, and last, sir, in the name of Arkansas, I plead that this bill may pass, and this one foul blot be wiped from the escutcheon of our glorious commonwealth."

At the close of his address, a vote was taken, and to the credit of the legislature and the honor of the State, the Sunday law, with its accompanying horrors, was so changed as to prevent a recurrence of such persecutions.

But Senator Crockett was mistaken in thinking that Arkansas was alone in having upon her statute books laws making possible persecution for conscience' sake. Such laws exist in a number of States, and are demanded not only in every State but at the hands of the Congress of the United States.





### DANIEL IN THE DEN OF LIONS

*" My God hath sent His angel, and hath shut the lions' mouths, that they have not hurt me: forasmuch as before Him innocency was found in me; and also before thee, O king, have I done no hurt." Dan. 6: 22.*

prove their religion as a defense, which was excepted to, and the ruling of the trial court has been incorporated in the legal brief, and the Honorable Court of Appeals is asked to pass upon the action of the trial court in refusing to allow the accused to prove their religion as a constitutional defense. We hold that the plaintiffs in error are not guilty according to law and the evidence of the case."

Judge Simmons, of Knoxville, Tenn., then addressed the court in behalf of the plaintiffs in error. He said, in part:

"May it please the Court. We believe the indictment in this case is subject to serious legal criticism. We do not believe that the indictment, according to the statute, legally defines and identifies the offense charged against the plaintiffs in error.

"Section 2404 of the Harris & Day Code, found on page 15 in the brief, reads as follows: 'Sunday to be observed. The first day of the week being by very general consent set apart for rest and religious uses, the law forbids to be done on that day certain acts deemed useless and serious interruptions of the repose and religious liberty of the community. Any violation of this prohibition is Sabbath breaking.'

"The indictment charges that the plaintiffs in error, on Sunday, the 20th day of June, A. D. 1915, did knowingly, wilfully, unlawfully, intentionally, and publicly expose for sale certain merchandise therein mentioned.

#### **No Offense at Common Law**

"At common law it is not an offense or a crime to sell merchandise on Sunday. In order for the indictment to legally define and identify the offense complained against, it should not only allege that the plaintiffs in error on a certain Sunday exposed merchandise for sale, but it should further state that such an act was 'deemed useless' and a 'serious interruption of the repose and religious liberty of the community.' This the indictment has failed to do.

"We contend that under this Sunday law it is not a crime simply to expose on Sunday merchandise for sale. It must be alleged in the indictment, and it must be proved at the trial, that such an exposure of merchandise for sale, on the day prohibited, was not only 'useless,' but that it was a 'serious interruption of the repose and religious liberty of the community.'

#### **Not Guilty, Because of Exemption**

"The plaintiffs in error are not guilty, because they rightfully come within the exception of the statute.



### DANIEL IN BABYLON

Praying to the God of Heaven, Contrary to the King's Commandment

It is not right to do right in the wrong way. It was right that Jesus should be king: it was wrong to seek to make Him king by force. It is right that men should pray: it would be wrong to attempt to force them to pray. It is right that men should come to church: it would be wrong to force any one to come to the sanctuary. You can by force compel a man to pay his debts. Is that compelling him to be honest? The very attempt to force men to be religious destroys the temper which alone makes religion possible. Jesus Christ himself would never consent to reign over the soul by mere force. If you would force men to Christ, you could not force Christ to men.—*Joseph Parker, D. D.*

Our legislators are not sufficiently apprised of the rightful limits of their power; that their true office is to declare and enforce only our natural rights and duties, and to take none of them from us. No man has a natural right to commit aggression on the equal rights of another; and this is all from which the laws ought to restrain him; every man is under the natural duty of contributing to the necessities of the society; and this is all the laws should enforce on him; and, no man having a natural right to be the judge between himself and another, it is his natural duty to submit to the umpirage of an impartial third. When the laws have declared and enforced all this, they have fulfilled their functions, and the idea is quite unfounded that on entering into society we give up any natural right.—*Thomas Jefferson, in a letter to Francis W. Gilmer, June 7, 1816.*

Civil liberty, the great end of all human society and government, is that state in which each individual has the power to pursue his own happiness according to his own views of his interest and the dictates of his conscience, unrestrained except by equal, just, and impartial laws.—*Sharswood's Blackstone, 127, note 8.*

## OKLAHOMA SUNDAY LAW DECISION

IN 1915 G. J. Krieger and his son were arraigned before the Blaine County (Oklahoma) court, charged with "Sabbath breaking." The offense alleged against them was exposing merchandise for sale on Sunday.

The defense of the Kriegers was that, being Seventh-day Adventists, and regularly and strictly refraining from labor and business on the seventh day, they were exempt under the Sunday law of that State from any penalty for Sabbath breaking on account of selling or exposing for sale articles of merchandise on Sunday.

Under the ruling of the county court the defendants were not allowed to prove the facts of their religious belief and practice; and so being without any defense which the court would recognize, they were convicted, and a fine was assessed against them. The prosecuting attorney insisted, and the lower court ruled, that "servile labor" did not include merchandising, and that therefore the only question before the court was, Did these men expose merchandise for sale on Sunday? If so, they were guilty, regardless of the fact that they uniformly, strictly, and conscientiously observed another day as the Sabbath.

### Convicted of Sabbath Breaking

The case being decided against them in the county court, the defendants took an appeal to the criminal court of appeals, before which the case was argued in 1916 by Attorneys William O. Woolman and Cyrus Simmons, counsel for the plaintiffs in error, and by Attorney Boardman, of Oklahoma City, for the State.

Judge Woolman opened the case by showing that the Kriegers were law-abiding citizens and of good standing in the community where they live. He said in part:

"The plaintiffs in error regularly close their businesses every Saturday and do not perform any business on that day, nor do they permit their employees to do any business for them. On account of their religious belief, they regard that day as the Sabbath. On Sunday, the first day of the week, it has been their custom to open their store and sell merchandise. Because of this fact, some of the residents of Hitchcock who are not friendly to the Kriegers, had them indicted. The plaintiffs in error offered to prove at the trial that they belong to a class of religionists who conscientiously keep the seventh day for the Sabbath. The trial judge refused to allow the plaintiffs in error to



### DANIEL IN THE DEN OF LIONS

My God hath sent His angel, and hath shut the lions' mouths, that they have not hurt me: forasmuch as before Him innocency was found in me; and also because, O king, have I done no hurt." Dan. 6: 22.

prove their religion as a defense, which was excepted to, and the ruling of the trial court has been incorporated in the legal brief, and the Honorable Court of Appeals is asked to pass upon the action of the trial court in refusing to allow the accused to prove their religion as a constitutional defense. We hold that the plaintiffs in error are not guilty according to law and the evidence of the case."

Judge Simmons, of Knoxville, Tenn., then addressed the court in behalf of the plaintiffs in error. He said, in part:

"May it please the Court. We believe the indictment in this case is subject to serious legal criticism. We do not believe that the indictment, according to the statute, legally defines and identifies the offense charged against the plaintiffs in error.

"Section 2404 of the Harris & Day Code, found on page 15 in the brief, reads as follows: 'Sunday to be observed. The first day of the week being by very general consent set apart for rest and religious uses, the law forbids to be done on that day certain acts deemed useless and serious interruptions of the repose and religious liberty of the community. Any violation of this prohibition is Sabbath breaking.'

"The indictment charges that the plaintiffs in error, on Sunday, the 20th day of June, A. D. 1915, did knowingly, wilfully, unlawfully, intentionally, and publicly expose for sale certain merchandise therein mentioned.

#### **No Offense at Common Law**

"At common law it is not an offense or a crime to sell merchandise on Sunday. In order for the indictment to legally define and identify the offense complained against, it should not only allege that the plaintiffs in error on a certain Sunday exposed merchandise for sale, but it should further state that such an act was 'deemed useless' and a 'serious interruption of the repose and religious liberty of the community.' This the indictment has failed to do.

"We contend that under this Sunday law it is not a crime simply to expose on Sunday merchandise for sale. It must be alleged in the indictment, and it must be proved at the trial, that such an exposure of merchandise for sale, on the day prohibited, was not only 'useless,' but that it was a 'serious interruption of the repose and religious liberty of the community.'

#### **Not Guilty, Because of Exemption**

"The plaintiffs in error are not guilty, because they rightfully come within the exception of the statute.



### THEIR MEETING PLACE DISCOVERED

Christians, Worshipping in a Cave, Seized by Officers of the Law

As to getting the law of the land to touch our religion, we earnestly cry, "Hands off! leave us alone!" Your Sunday bills, and all other forms of Act-of-Parliament religion, seem to me to be all wrong. Give us a fair field and no favor, and our faith has no cause to fear. Christ wants no help from Cæsar. I should be afraid to borrow help from government; it would look to me as though I rested on an arm of flesh, instead of depending on the living God. Let the Lord's day be respected by all means, and may the day soon come when every shop shall be closed on the Sabbath; but let it be by force of conviction, and not by force of policemen; let true religion triumph by the power of God in men's hearts, not by the power of fines and punishments.—*C. H. Spurgeon.*

I am not a theologian. It may be fortunate for all except myself that I am not. I have due regard for the observance of the Sabbath, and I believe that it should be observed, but I do not believe in legislation compelling one to do it. . . .

No man has a right to set himself up as the moral standard of all the community, or of any part of the community except himself. As to the use of the Sabbath day, every man, so far as personal acts that do not include any acts of lawlessness are concerned, should be the guardian of his own morals.—*Senator Weldon B. Heyburn, of Idaho, in a short speech before the Senate, May 26, 1911, printed in the Congressional Record, pp. 1569-1571.*

Chief Justice Terry, of the supreme court of California, in declaring enforced Sunday observance unconstitutional, said: "The enforced observance of a day held sacred by one of the sects, is a discrimination in favor of that sect, and a violation of the freedom of the others. . . . Considered as a municipal regulation, the legislature has no right to forbid or enjoin the lawful pursuit of a full occupation on one day of the week, any more than it can forbid it alto-  
—9 California, 502.

"Section 2406 of the Harris & Day Code, brief, page 15, reads as follows: 'Persons observing another day as holy. It is a sufficient defense in proceedings for servile labor on the first day of the week, to show that the accused uniformly keeps another day of the week as holy time, and does not labor upon that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.'

"The record shows that the plaintiffs in error 'uniformly keep another day of the week as holy time.' There is no evidence to show that the labor complained of was done in such a manner as to 'interrupt or disturb other persons in observing the first day of the week as holy time.'

"The question for consideration is whether the plaintiffs in error come within the exception of the statute which gives to those who do 'servile labor on the first day of the week' the right to set up their religion as a defense.

#### **Legislative Intent of the Exception**

"From a logical standpoint, what is it that the law wishes to except? Is it the 'servile labor,' or is it the 'religion' of the accused? Evidently it is the religion.

"I do not know when the different sections of the Sunday law of your State were passed, but I do know that all of these sections are kindred legislation, and pertain to the same subject matter, and under the established rule of construction they should be construed in *pari materia*.

"If they are thus construed, the court will look upon all of the sections of this law as if they were passed at the same time. If that is the case, then it is evident that it was the legislative intent to allow those who 'uniformly keep another day of the week as holy time' to set up their religion as a justifiable defense. This defense should be allowed, irrespective of the kind of labor performed. It would be an absurdity to hold that the legislature intended only to except those who perform 'servile labor.' Should the court take this position, the statute would be subject to the Constitutional question of class legislation, and would be void.

"By giving the statute a liberal construction, and by applying the religious defense in all the sections of the statute, where it can be consistently done, all classes of religionists in this commonwealth will have their liberty of conscience.





### WALDENSES IN THE ALPS PURSUED BY THE ARMIES OF ROME

No other kind of constraint [than prayers, counsels, entreaties, etc.] is ever recommended in the gospel of Christ; every other kind of compulsion is anti-Christian, can only be submitted to by cowards and knaves, and can produce nothing but hypocrites. . . . The church which tolerates, encourages, and practises persecution, under the pretense of concern for the purity of the faith and zeal for God's glory, is not the church of Christ; and . . . no man can be of such a church without endangering his salvation.—*Adam Clarke, in his comments on Luke 14:23.*

Religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, and not by force or violence. The religion, then, of every man must be left to the conviction and conscience of every man to exercise it as these may indicate. This right is in itself unalienable right. . . .

Who does not see that the same authority which can establish Christianity to the exclusion of all other religions, may establish with the same ease any particular sect of Christians to the exclusion of all other sects.

Experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficiency of religion, have had a contrary operation. In no instances have religious establishments been seen as the guardians of the liberties of the people.—*James Madison.*

### **Broad Toleration Guaranteed by Oklahoma**

"When we consider the liberal constitutional guaranty of this State, which provides that 'perfect toleration of religious sentiment shall be secured,' and that no inhabitant of the State shall ever be molested in person or property on account of his or her mode of religious worship;' and when we consider that Oklahoma has a law which forbids any one from maliciously procuring 'any process in a civil action to be served on Saturday upon any person who keeps Saturday as holy time;' and when we further consider that criminal statutes are strictly construed, while their exceptions and provisos are liberally construed, it certainly will do no violence to the law under consideration to hold that those sections which prohibit 'all manner of trades, manufactures, and mechanical employments upon the first day of the week;' and 'all manner of public selling, or exposing for sale, publicly, of any commodities' upon that day,—it will be proper, I say, to hold that these sections come under the exemptions of Sec. 2406 equally with what is termed 'servile labor' in the exemption itself.

"Should the law be subject to a restricted construction simply because subsequent sessions of the legislature, in adding different sections, neglected to incorporate in them the exception in favor of those who conscientiously keep another day for the Sabbath? We think not.

"As previously stated, it is a crime for any one to have a process served on Saturday on one who keeps that day as holy time.

"Consider together that law and the exception in Sec. 2406, and it is evident that it was the legislative intent to except those people who conscientiously observe the seventh day."

### **No Discrimination**

JUSTICE ARMSTRONG: "That would cover any day, Judge. It would cover anybody who kept any other day in the week, if it covered anything at all. It would not cover necessarily the seventh day alone."

MR. SIMMONS: "Let it apply, as Your Honor suggests, to any day. Let any day be conscientiously observed, and, if Your Honor believes it was the legislative intent that a man's religion should be excepted, then we contend that this law, pertaining to the service of process on Saturday, should be construed together with the exception in Sec. 2406, which would necessarily include those who keep the seventh day."

JUSTICE ARMSTRONG: "It would include them and any one else who keeps another day."

MR. SIMMONS: "Yes, Your Honor. The object of the legislature was to give the citizen religious liberty, and we insist that all these



HALED TO CHURCH BY THE POLICE

You can drive people to church, perhaps, but you cannot make them take religion. A chaplain at a penitentiary has a faithful audience, and often a growing one, but there is much about it unsatisfactory. It is little pleasure and profit to preach love to a gagged mortal. . . . The church can stand without legislative support; if it cannot, the divineness of its mission is doubtful.—*Rev. Clarence J. Harris, pastor Unitarian Church at Oklahoma City, in a sermon on the Oklahoma Sunday Bill.*

pretation of the Scriptures are necessarily and rightfully in harmony with their conscience. The duties they owe their Creator, and the manner of discharging them, are in obedience to the exposition of the Bible according to the sect or denomination to which they belong. Why should they not be allowed to exercise these inalienable rights? Should a law be permitted to remain upon the statute books the enforcement of which would take away these rights that have never been surrendered by the citizen to the state, and would interfere with their being Christians? How does this law interfere with their being Christians? Why, Your Honor, according to the exegesis of the Bible to which they have subscribed their faith, it was Christ that made the world. In the Bible they turn to the first chapter of John and in the first verses they read these words: 'In the beginning was the Word, and the Word was with God, and the Word was God. The same was in the beginning with God. All things were made by Him; and without Him was not anything made that was made. . . . He was in the world, and the world was made by Him, and the world knew Him not.'

#### **Sunday Law Infringement**

"In the first chapter of the Colossian letter, the fifteenth and sixteenth verses read: 'Who is the image of the invisible God, the first-born of every creature: for by Him were all things created, that are in heaven, and that are in earth, visible and invisible, whether they be thrones, or dominions, or principalities, or powers: all things were created by Him, and for Him.'

"It is not a question whether or not their idea of the Scripture is correct. It is not a question, for the purposes of this lawsuit, whether Seventh-day Adventists are right or not. We are not quoting Scripture to exploit their religion, but we are quoting Scripture to show that this Sunday law infringes upon the religious rights of the accused.

"From the above quotations it will be seen, Your Honors, that they believe it was the voice of Christ that spoke the world into existence; 'for He spake, and it was done; He commanded, and it stood fast.'

#### **The Seventh Day Is Christ's Rest Day**

"They believe He made the first day, the second, the third, etc., in the first weekly cycle; that He made the seventh day, the Sabbath; that He kept the Sabbath, or rested on it; that He blessed it, and sanctified it. They believe from their interpretation of the Bible, that it was the voice of Christ on the trembling peaks of Mt. Sinai that said, 'Remember the Sabbath day, to keep it holy. Six days shalt thou labor, and do all thy work.' They believe that Christ, when on earth, kept



### WALDENSES IN THE ALPS PURSUED BY THE ARMIES OF ROME

No other kind of constraint [than prayers, counsels, entreaties, etc.] is ever recommended in the gospel of Christ; every other kind of compulsion is anti-Christian, can only be submitted to by cowards and knaves, and can produce nothing but hypocrites. . . . The church which tolerates, encourages, and practises persecution, under the pretense of concern for the purity of the faith and zeal for God's glory, is not the church of Christ; and . . . no man can be of such a church without endangering his salvation.—*Adam Clarke, in his comments on Luke 14:23.*

Religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, and not by force or violence. The religion, then, of every man must be left to the conviction and conscience of every man to exercise it as these may indicate. This right is in itself an unalienable right. . . .

Who does not see that the same authority which can establish Christianity to the exclusion of all other religions, may establish with the same ease any particular sect of Christians to the exclusion of all other sects.

Experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficiency of religion, have had a contrary operation. In no instances have religious establishments been seen as the guardians of the liberties of the people.—*James Madison.*

### **Broad Toleration Guaranteed by Oklahoma**

"When we consider the liberal constitutional guaranty of this State, which provides that 'perfect toleration of religious sentiment shall be secured,' and that no inhabitant of the State shall ever be molested in person or property on account of his or her mode of religious worship; and when we consider that Oklahoma has a law which forbids any one from maliciously procuring 'any process in a civil action to be served on Saturday upon any person who keeps Saturday as holy time;' and when we further consider that criminal statutes are strictly construed, while their exceptions and provisos are liberally construed, it certainly will do no violence to the law under consideration to hold that those sections which prohibit 'all manner of trades, manufactures, and mechanical employments upon the first day of the week;' and 'all manner of public selling, or exposing for sale, publicly, of any commodities' upon that day,—it will be proper, I say, to hold that these sections come under the exemptions of Sec. 2406 equally with what is termed 'servile labor' in the exemption itself.

"Should the law be subject to a restricted construction simply because subsequent sessions of the legislature, in adding different sections, neglected to incorporate in them the exception in favor of those who conscientiously keep another day for the Sabbath? We think not.

"As previously stated, it is a crime for any one to have a process served on Saturday on one who keeps that day as holy time.

"Consider together that law and the exception in Sec. 2406, and it is evident that it was the legislative intent to except those people who conscientiously observe the seventh day."

### **No Discrimination**

JUSTICE ARMSTRONG: "That would cover any day, Judge. It would cover anybody who kept any other day in the week, if it covered anything at all. It would not cover necessarily the seventh day alone."

MR. SIMMONS: "Let it apply, as Your Honor suggests, to any day. Let any day be conscientiously observed, and, if Your Honor believes it was the legislative intent that a man's religion should be excepted, then we contend that this law, pertaining to the service of process on Saturday, should be construed together with the exception in Sec. 2406, which would necessarily include those who keep the seventh day."

JUSTICE ARMSTRONG: "It would include them and any one else who keeps another day."

MR. SIMMONS: "Yes, Your Honor. The object of the legislature was to give the citizen religious liberty, and we insist that all these



### WALDENSES IN THE ALPS PURSUED BY THE ARMIES OF ROME

No other kind of constraint [than prayers, counsels, entreaties, etc.] is ever recommended in the gospel of Christ; every other kind of compulsion is anti-Christian, can only be submitted to by cowards and knaves, and can produce nothing but hypocrites. . . . The church which tolerates, encourages, and practises persecution, under the pretense of concern for the purity of the faith and zeal for God's glory, is not the church of Christ; and . . . no man can be of such a church without endangering his salvation.—*Adam Clarke, in his comments on Luke 14:23.*

Religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, and not by force or violence. The religion, then, of every man must be left to the conviction and conscience of every man to exercise it as these may indicate. This right is in itself an unalienable right. . . .

Who does not see that the same authority which can establish Christianity to the exclusion of all other religions, may establish with the same ease any particular sect of Christians to the exclusion of all other sects.

Experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficiency of religion, have had a contrary operation. In no instances have religious establishments been seen as the guardians of the liberties of the people.—*James Madison.*

### **Broad Toleration Guaranteed by Oklahoma**

"When we consider the liberal constitutional guaranty of this State, which provides that 'perfect toleration of religious sentiment shall be secured,' and that no inhabitant of the State shall ever be molested in person or property on account of his or her mode of religious worship; and when we consider that Oklahoma has a law which forbids any one from maliciously procuring 'any process in a civil action to be served on Saturday upon any person who keeps Saturday as holy time;' and when we further consider that criminal statutes are strictly construed, while their exceptions and provisos are liberally construed, it certainly will do no violence to the law under consideration to hold that those sections which prohibit 'all manner of trades, manufactures, and mechanical employments upon the first day of the week;' and 'all manner of public selling, or exposing for sale, publicly, of any commodities' upon that day,—it will be proper, I say, to hold that these sections come under the exemptions of Sec. 2406 equally with what is termed 'servile labor' in the exemption itself.

"Should the law be subject to a restricted construction simply because subsequent sessions of the legislature, in adding different sections, neglected to incorporate in them the exception in favor of those who conscientiously keep another day for the Sabbath? We think not.

"As previously stated, it is a crime for any one to have a process served on Saturday on one who keeps that day as holy time.

"Consider together that law and the exception in Sec. 2406, and it is evident that it was the legislative intent to except those people who conscientiously observe the seventh day."

### **No Discrimination**

JUSTICE ARMSTRONG: "That would cover any day, Judge. It would cover anybody who kept any other day in the week, if it covered anything at all. It would not cover necessarily the seventh day alone."

MR. SIMMONS: "Let it apply, as Your Honor suggests, to any day. Let any day be conscientiously observed, and, if Your Honor believes it was the legislative intent that a man's religion should be excepted, then we contend that this law, pertaining to the service of process on Saturday, should be construed together with the exception in Sec. 2406, which would necessarily include those who keep the seventh day."

JUSTICE ARMSTRONG: "It would include them and any one else who keeps another day."

MR. SIMMONS: "Yes, Your Honor. The object of the legislature was to give the citizen religious liberty, and we insist that all these





### WALDENSES IN THE ALPS PURSUED BY THE ARMIES OF ROME

No other kind of constraint [than prayers, counsels, entreaties, etc.] is ever recommended in the gospel of Christ; every other kind of compulsion is anti-Christian, can only be submitted to by cowards and knaves, and can produce nothing but hypocrites. . . . The church which tolerates, encourages, and practises persecution, under the pretense of concern for the purity of the faith and zeal for God's glory, is not the church of Christ; and . . . no man can be of such a church without endangering his salvation.—*Adam Clarke, in his comments on Luke 14:23.*

Religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, and not by force or violence. The religion, then, of every man must be left to the conviction and conscience of every man to exercise it as these may indicate. This right is in itself an unalienable right. . . .

Who does not see that the same authority which can establish Christianity to the exclusion of all other religions, may establish with the same ease any particular sect of Christians to the exclusion of all other sects.

Experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficiency of religion, have had a contrary operation. In no instances have religious establishments been seen as the guardians of the liberties of the people.—*James Madison.*

### **Broad Toleration Guaranteed by Oklahoma**

"When we consider the liberal constitutional guaranty of this State, which provides that 'perfect toleration of religious sentiment shall be secured,' and that no inhabitant of the State shall ever be molested in person or property on account of his or her mode of religious worship; and when we consider that Oklahoma has a law which forbids any one from maliciously procuring 'any process in a civil action to be served on Saturday upon any person who keeps Saturday as holy time;' and when we further consider that criminal statutes are strictly construed, while their exceptions and provisos are liberally construed, it certainly will do no violence to the law under consideration to hold that those sections which prohibit 'all manner of trades, manufactures, and mechanical employments upon the first day of the week;' and 'all manner of public selling, or exposing for sale, publicly, of any commodities' upon that day,—it will be proper, I say, to hold that these sections come under the exemptions of Sec. 2406 equally with what is termed 'servile labor' in the exemption itself.

"Should the law be subject to a restricted construction simply because subsequent sessions of the legislature, in adding different sections, neglected to incorporate in them the exception in favor of those who conscientiously keep another day for the Sabbath? We think not.

"As previously stated, it is a crime for any one to have a process served on Saturday on one who keeps that day as holy time.

"Consider together that law and the exception in Sec. 2406, and it is evident that it was the legislative intent to except those people who conscientiously observe the seventh day."

### **No Discrimination**

JUSTICE ARMSTRONG: "That would cover any day, Judge. It would cover anybody who kept any other day in the week, if it covered anything at all. It would not cover necessarily the seventh day alone."

MR. SIMMONS: "Let it apply, as Your Honor suggests, to any day. Let any day be conscientiously observed, and, if Your Honor believes it was the legislative intent that a man's religion should be excepted, then we contend that this law, pertaining to the service of process on Saturday, should be construed together with the exception in Sec. 2406, which would necessarily include those who keep the seventh day."

JUSTICE ARMSTRONG: "It would include them and any one else who keeps another day."

MR. SIMMONS: "Yes, Your Honor. The object of the legislature was to give the citizen religious liberty, and we insist that all these

can do is to construe a statute so as to protect the religious rights of citizens in harmony with the supreme law of the State.

"If the law in question is construed in its literal sense, it would be opposed to the organic law of the State, and unconstitutional. If it is construed as we contend, its integrity will be maintained and all classes of citizens will have their religious rights.

"I thank the Honorable Court for your patient consideration of this case."

CHIEF JUSTICE DOYLE: "The Court is pleased to have the question of so great importance presented so fully by both sides. It will be submitted upon the briefs, and the arguments that have been made."

After taking the case under advisement for three months, the Court handed down the following opinion, written by Justice Brett, and concurred in by Chief Justice Doyle and Justice Armstrong:

#### **Supreme Court's Unanimous Opinion**

"1. Our Sabbath law proceeds upon the theory, entertained by most of those who have investigated the subject, that the physical, intellectual, and moral welfare of mankind requires a periodical day of rest from labor; and, as some particular day must be fixed, the one most naturally selected is that which is regarded as sacred by the greatest number of citizens, and which by custom is generally devoted to religious worship, or rest and recreation, as this causes the least interference with business or existing customs.

"2. Our legislature has wisely and properly, however, refrained from interfering with or coercing the conscience of those who uniformly, conscientiously, and religiously keep another than the first day of the week as holy time, by exempting them from the penalties of the law; provided they work on the first day of the week in such a manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.

"3. In exempting persons who uniformly and conscientiously keep another than the first day of the week as holy time, from the penalties of the statute, the legislature intended to give them a substance and not a shadow; hence we hold the term 'servile labor,' as used in our Sunday statutes, to be used as synonymous with the term 'secular labor.'

"4. Courts which hold that to require Sabbatarians to keep our Sunday does not prevent them from also keeping the seventh day, overlook the fact that under the divine commandment which these people are striving to obey, it is as imperative that they work six days as that they rest on the seventh; and that if their conscience compels them to rest

one day, and the law also forces them to rest on another, they will thus be forced to violate the first provision of the commandment they are conscientiously attempting to keep.

### **In Business in Hitchcock, Okla.**

"The plaintiffs in error in this case were prosecuted and convicted in the county court of Blaine County for violating our Sabbath, or Sunday, laws.

"It appears from the record that they were conducting a general mercantile business at Hitchcock, Okla., and exposed their merchandise for sale on Sunday; that this was done in an orderly, peaceable, and quiet way. And there is no complaint that it was done in such manner as to interrupt or disturb other persons in observing Sunday, or the first day of the week, as 'holy time.'

"It also appears that plaintiffs in error are and were Seventh-day Adventists, and uniformly and religiously observed Saturday, or the seventh day of the week, as a day of rest and 'holy time.' . . .

"After designating the first day of the week as the Sabbath, and declaring that Sabbath-breaking shall consist, first, of 'servile labor,' except 'works of necessity or charity;' and second, in 'trades, manufactures, and mechanical employments,' the legislature then makes an exception, and in Sec. 2406 provides that: 'It is a sufficient defense in proceedings for servile labor on the first day of the week, to show that the accused uniformly keeps another day of the week as holy time, and does not labor upon that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.'

"Now the question is, What did the legislature contemplate by the term 'servile labor' in this exception?

### **"Servile Labor" a Misnomer**

"It is loosely stated by some courts that the term 'servile labor' is infelicitous. But there is no such thing as 'servile labor' in this country, and has not been for years; and the term is not only 'infelicitous,' but is obsolete and meaningless, as applied to present conditions. And if our statute should be limited to the literal meaning of the term, then neither the prohibition nor the exception in the statute, could apply to any class of labor existing today, either in this State or the nation. The word 'servile' pertains to slaves—to those held in subjection and enslaved; and no such thing as that exists today in our nation. But our legislature certainly had in mind some existing character or class of labor, to which they intended that both the prohibition

and the exception should apply, and we think must have intended to use the word 'servile' as synonymous with 'secular.' It would be highly improper to strike down a statute so vital as this, as meaningless, unless it should be impossible by any reasonable construction, to ascertain the legislative intent. This law, as stated by an eminent jurist, 'proceeds upon the theory, entertained by most of those who have investigated the subject, that the physical, intellectual, and moral welfare of mankind requires a periodical day of rest from labor, and, as some particular day must be fixed, the one most naturally selected is that which is regarded as sacred by the greatest number of citizens, and which by custom is generally devoted to religious worship, or rest and recreation, as this causes the least interference with business or existing customs.'

"But our legislature, we think wisely and properly, by the provisions of Sec. 2406, Revised Laws, 1910, exempted any one who 'uniformly keeps another day of the week as holy time, and does not labor upon that day,' from the penalties of this statute; provided, such person who uniformly and religiously keeps another day as holy time, works on the first day 'in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.' The writer of this opinion conscientiously and religiously believes that Sunday, or the first day of the week, is the day upon which all persons should rest, and is the day that should be observed as holy time by all Christians, in commemoration of the greatest fact in our religion,—the resurrection of our Lord.

#### **Would Not Be Conscience for Another .**

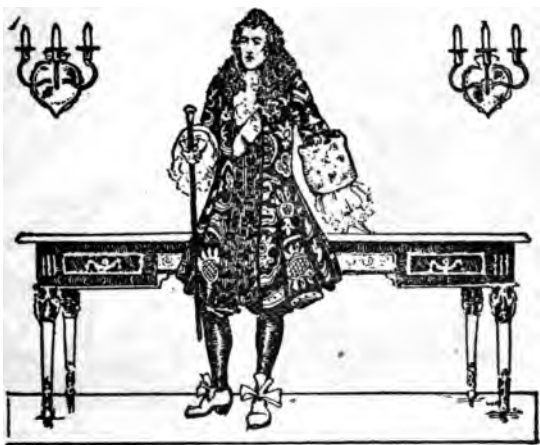
"But I cannot, and would not if I could, make my conscience the standard for my brother. We are all fallible, and I would not assume the responsibility of forcing him to adopt my faith; for should I be wrong, my responsibility would then be doubled. And the legislature intended to refrain from interfering with or coercing the conscience of those who uniformly and conscientiously keep another day than the first day of the week as holy time, by the provisions of Sec. 2406. We think this is in harmony with the spirit and genius of our Government. And when our legislators exempted persons who uniformly, conscientiously, and religiously keep another day, from the penalties of the statute, they intended to give them a substance and not a shadow. Hence we think the legislature intended to use the word 'servile' as synonymous with 'secular.' And in this we are sustained by *Gladwin v. Lewis*, 6 Conn. 49, 16 Amer. Dec. 33. But even without a precedent, we think, no other construction could give vitality to the real legislative intent.

"But it is facetiously argued by some courts, that to say to these people they shall keep our Sunday, does not prevent them from also keeping the day they regard as 'holy day.' But these courts overlook the fact that under the divine commandment these people are striving to obey, it is just as imperative that they work six days as it is that they rest on the seventh. And if their conscience compels them to rest one day, and the law forces them also to rest on another, they would thus be forced to violate the first provision of the commandment they are attempting conscientiously to keep.

"For these reasons and others that might be added, we think the judgment should be reversed.

"The judgment is therefore reversed, and the cause remanded with directions to dismiss the case.

"Doyle, P. J., and Armstrong, J., concur."



CHARLES II, OF ENGLAND

The Sunday law enacted by Charles II in the twenty-ninth year of his reign has served as a model for many Sunday statutes in America.



### UNHOLY ALLIANCE OF CHURCH AND STATE

Nevertheless I have somewhat against thee, because thou hast left thy first love. Remember therefore from whence thou art fallen, and repent, and do the first works.—*Jesus Christ. Rev. 2: 4, 5.*

Human nature is such that whenever theological creeds are incorporated with political constitutions, and church and state united, it results in evil, and I point to the whole history of England and the Continental nations as examples illustrating this fact.—*Rev. A. S. Leonard.*

## THE RELIGIOUS ASPECT OF SUNDAY LEGISLATION

IN defense of Sunday laws the claim is frequently urged that Sunday is a civil institution, that the civil observance of the day is all that is sought, and that legislation making the observance of the day compulsory is civil and not religious.

If this claim is true, it is within the purview of legislative bodies to enact Sunday laws, for the sphere of the state is to deal with civil questions; but if Sunday is a religious institution, such legislation is religious, and therefore not within the rightful province of civil government, for not only does the First Amendment to our national Constitution provide that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof," but nearly all our State constitutions contain similar prohibitions.

### The Famous Sunday Mail Report

The United States Congress, in 1829 and 1830, regarded Sunday legislation as religious. Between the years 1810 and 1829, Congress was asked to stop Sunday mails. During these years numerous petitions and remonstrances were presented. Finally, in 1829, the Senate Committee on the Post-offices and Post-roads gave consideration to the question and decided adversely to the petitioners. The committee assigned as a reason that to pass a Sunday law would be to decide a religious controversy, a question appropriate to ecclesiastical councils, but not to civil legislative assemblies. This report says:

### Congress Cannot Legislate for God

"Should Congress in legislative capacity adopt the sentiment [of the petitioners], it would establish the principle that the legislature is a proper tribunal to determine what are the laws of God. It would involve a legislative decision on a religious controversy, and on a point in which good citizens may honestly differ in opinion, without disturbing the peace of society or endangering its liberties. If this principle is once introduced, it will be impossible to define its bounds. . . .

"Let the national legislature once perform an act which involves the decision of a religious controversy, and it will have passed its legitimate bounds. The precedent will then be established, and the foundation laid, for that usurpation of the divine prerogative in this country which has been the desolating scourge to the fairest portions of the Old World." — *"American State Papers," Class VII, pp. 225 et seq.*





CAPTIVES IN BABYLON

These three Hebrews would not yield the rights of conscience. Arrested and threatened with death for refusing to worship a god other than Jehovah, they said to the king: "O Nebuchadnezzar, we are not careful to answer thee in this matter. If it be so, our God whom we serve is able to deliver us from the burning fiery furnace, and He will deliver us out of thine hand, O King. But if not, be it known unto thee, O king, that we will not serve thy gods, nor worship the golden image which thou hast set up." Dan. 3: 16-18.

This same question was considered and a similar report adopted by the House of Representatives in 1830, the House, like the Senate, wisely deciding that such legislation was religious, not civil, and that Congress could not rightfully enact a Sunday law. Should not statesmen of the twentieth century concur in this decision of almost one hundred years ago?

If the claim be true that in the ceaseless clamor for Sunday laws, only civil observance of the day is sought, then it should stand on the same footing as other holidays. The Fourth of July, Washington's Birthday, and Memorial Day are civil institutions. But are those who ask for Sunday laws willing that the "civil Sabbath," or Sunday, should really be regarded as civil and be observed as a civil holiday? If not, why not? Why make a distinction between one civil day and another? Why permit labor and amusements on the Fourth of July, or Washington's Birthday, but fine or imprison those who perform honest labor on Sunday, if the days all stand on a civil footing? To close up places of business or amusement on an ordinary holiday is not characteristic of civil legislation. The observance of civic days is left optional with the individuals concerned. If only a civil observance of Sunday is to be secured, why should not Sunday laws be merely permissive, as are the laws for other holidays, instead of compulsory, as now demanded?

### **No Weekly Rest Marked Off by Nature**

There is nothing in nature indicating a weekly day of rest. The stars move on in their courses, streams flow, flowers bloom, bees gather honey, and fruits grow seven days in the week. A daily period of rest is indicated by the darkness of night, but no Sabbath law is seen in nature. We must go to the Bible for the origin of the Sabbath. There we find a divine precept, coming down to us from Sinai, which says, "The seventh day is the Sabbath of the Lord thy God." This command, spoken by Jehovah himself, and written with His own finger upon the table of stone, enjoins upon all men the observance of the seventh day.

While Sunday is not the Bible Sabbath, but a human institution, the principle involved in Sunday legislation is the same as if it were. The origin of the Sabbath is divine, not secular; religious, not civil; its foundation is in the decalogue, not in human statutes. Its observance is therefore religious, not civil. A law enforcing its observance is in the interest of religion, not civility.

Sunday is an institution of the church, not of the state. Anciently it was observed by the heathen, not as a Sabbath, but as a festival in their worship of the sun. The observance of either the first or the



### THE THREE HEBREWS IN THE FIERY FURNACE

The notion that it is one man's duty that another should be religious, was the foundation of all the religious persecutions ever perpetrated, and if admitted, would fully justify them.— *John Stuart Mill, in "Essay on Liberty."*

Whether in chains or in laurels, liberty knows nothing but victories.—  
*Wm. L. Phillips.*

seventh day has always been regarded, not as civil, but religious. Church members and believers in the Christian religion observe Sunday for religious rather than civil reasons. Its non-observance is not uncivil, for it interferes with no human right. The secularist who observes no day may be just as good a citizen as the man who keeps Sunday "after the most straitest sect" of the Pharisees.

The Sabbath is not a civil, but a religious institution, for its observance is a duty which men owe to their Creator, and its desecration is a spiritual, not a civil offense; a sin, not a crime. But a spiritual offense can never be punished rightfully by civil laws, and any attempt to do so necessitates a union of church and state. All the dreary history of the terrible Inquisition and the Dark Ages, when savages were made to shudder at the name of Christianity, was the result of the church's seeking, through the power of the state, to mete out punishment for religious offenses.

#### **Sabbath Breaking a Sin, but Not a Crime**

The gravity of such crimes as fraud, burglary, arson, assault, or even murder, can be measured by human standards, and a fitting penalty imposed by man. But not so in religious matters. Sabbath breaking is not *per se* a crime against man, but a sin against God, and never can be adequately punished by fine or imprisonment. It is a spiritual offense, which can be purged only by the blood of Christ. Imagine, if you please, a judge or jury attempting to determine the amount of fine or imprisonment necessary to satisfy divine justice!

#### **Why Not Support the Church by Taxation?**

The Sabbath command is only one of the precepts of the Bible. Why single out Sabbath observance as a subject for legislation, and neglect other things which the Bible commands? For instance, the Bible tells us that the "tenth shall be holy unto the Lord." This is as plain as the command respecting the Sabbath. But would those favoring a compulsory Sunday law favor a law compelling all to give a tenth of their income for religious purposes? Quite a protest would doubtless be raised if such a law were seriously proposed. But why should the state be asked to pass a law requiring a person to give one seventh of his time for worship, any more than to give one tenth of his income for religious purposes? One is no more out of place than the other.

Persons demanding Sunday legislation frequently deny that Sunday laws are religious, or that there is any intention of enforcing religious observance of the day by law. But all such denials are false, and

contrary to fact. Back of every Sunday law is the Sunday-Sabbath institution, and this institution, both in its origin and in its history, is purely religious. This fact was well set forth by Hon. Charles R. Pratt in an address delivered Oct. 31, 1906, at Elmira, N. Y., before the New York State Sabbath Association. He said:

"The most common form of legal interference in the matters of religion is that which requires the observance of Sunday as a holy day. In these days, the legal requirements do not usually extend beyond the compulsory cessation of labor, the maintenance of quiet upon the streets, and the closing of all places of amusement; but the public spirit which calls for a compulsory observance of these regulations is the same which in the colonial days of New England imposed a fine for an unexcused absence from divine worship. Although other reasons have been assigned for the observance of Sunday, in order to escape the Constitutional objections that can be raised against it if it takes the form of a religious institution, those who are most active in securing the enforcement of the Sunday laws do so because of the religious character of the day, and not for any economic reason."

### **Why Not Legalize the Lord's Supper and Baptism?**

This is true, but if Sunday is to be enforced because of its religious character, why not other religious institutions as well? There is the Lord's Supper, an ordinance established by the Saviour himself. Why not petition legislators to enact a law requiring that at stated intervals every citizen—the agnostic, the Jew, the blasphemer, the Christian—assemble and partake of these sacred emblems? "Oh," says one, "it would be sacrilegious for this holy ordinance to be enforced upon everybody!" Indeed you are right; but is it not equally sacrilegious to attempt to force upon everybody, by law, the observance of the Lord's Sabbath?

Again: take baptism. The Saviour commanded this ordinance also. But are those seeking for laws to make compulsory the observance of the Lord's day, in favor of a law compelling all to be baptized? Why seek to enforce observance of the Lord's day any more than baptism or the Lord's Supper? Why would it not be as proper to legislate upon the one as the other? If it is right to compel individuals to observe a Sabbath, regardless of their convictions, it is equally proper to compel them to be baptized. It may be urged that not all are agreed as to the mode of baptism. Very true. Neither are all agreed as to the proper day to be observed as the Sabbath, nor as to the manner in which it should be observed. Shall Congress be asked to settle which day is the Sabbath, and determine how it shall be kept?

The right to decide which day is the Sabbath and the manner of its observance, belongs to the individual, not to the state. Every citizen should decide when and how he shall worship, untrammelled by any legal enactments or requirements. Manifestly, the true sphere of the state is to deal with civil questions, and not to settle religious controversies. Are the Baptists willing to adopt sprinkling, at the dictation of the state? Are the communicants of the Episcopalian, Presbyterian, and other churches, prepared to adopt immersion as the proper mode of baptism, by vote of the members of Congress or by decision of the State legislatures?

### **Prayer Under Compulsion Akin to Blasphemy**

Then, there is the Lord's Prayer. It certainly is right to pray. Everybody ought to pray. The Master told us to pray always. Then why do not those demanding Sunday laws petition Congress for a law compelling every citizen in the United States to say the Lord's Prayer once a day, or once a week, preferably each day, since there is in it a reference to "daily bread"? Why enforce the Lord's day, and neglect the Lord's Prayer? Imagine a policeman calling to see if one had said the Lord's Prayer. How much piety would there be in saying this beautiful prayer under compulsion? Just the same amount as there would be in keeping the Lord's day under like circumstances.

Sunday laws are urged as necessary to "protect the Sabbath." But a Sabbath of divine appointment needs no human protection, and no special legislation is needed to maintain civility on the first day of the week. The laws which guarantee police protection on other days of the week, do the same on Sunday. Midweek prayer meetings are held, and revivalists conduct services day and night, but the labor performed and the traffic carried on around them are not considered a disturbance, nor complained of. Funeral services are held daily in churches, where, in brokenness of spirit, friends weep around the bier of the dead, while the pastor speaks words of consolation, but no one is disturbed by the ordinary routine of business.

### **Clubs and Lodges Not Disturbed**

Clubs and lodges meet during the week, and conduct their forms and ceremonies. They say nothing about being disturbed or molested. The Jews, who worship in their synagogues on Saturday, and the Seventh Day Baptists and Seventh-day Adventists, who meet in their various places of worship on the seventh day, are not disturbed by the labor performed or business transacted while they worship. Roman

Catholics, Episcopalians, and others who consider certain services appropriate to Christmas, Good Friday, Ascension Day, Lent, saints' days, and the like, conduct their worship upon these days undisturbed. No laws are asked compelling others to be idle on these days while they worship. Why, then, this continual clamor for laws demanding cessation of labor on Sunday? Why is labor perfectly proper on all other days and occasions, but so objectionable and such a disturbance if performed on Sunday that those who perform it must be fined and imprisoned? It is as clear as a sunbeam that the supposedly sacred character of the day makes the difference. It is this that Congress and State legislators are asked to protect, and it was this same wicked union of church and state which engulfed the world in the gloom of the Dark Ages for a thousand dreary years. Let the people beware lest the clock of liberty and progress be turned backward, and the smoldering embers of religious tyranny again be fanned into flame.

### **Enforced Idleness a Curse**

Enforced idleness never tends to civility. "An idle brain is the devil's workshop." To close all places of business, stop all work, and forbid healthful recreation on Sunday, removing the restraints imposed upon society by the six days of labor, and leaving a large population of both old and young with nothing to do, exposes them to temptation and vice instead of shielding them from it. Laws compelling idleness on Sunday tend to unsettle established habits of virtue, and turn the day into a time of dissipation and disorder instead of order and civility. Idleness, with its attendant evils, does far more to make people uncivil and prepare them for the penitentiary and the gallows than honest labor or innocent amusement. We call attention to these facts in the interest of morality and religion. We see the danger of the day's being turned into a curse through compulsory idleness. We see that the ship of state may be wrecked on the rocks of union with the church by seeking to protect and foster some form of religion, and we earnestly protest against all Sunday laws, or governmental interference in religious matters.

Interpreting the Bible, and defining man's duty to his Maker, are not the work of the state. Human legislation in religious matters can secure only outward obedience. In no way can it change the heart. The law of God is spiritual, and only those who are spiritual can truly keep it. Only a converted man can really keep the Sabbath. For this reason all laws made to enforce religious dogmas are wrong. Sabbath keeping is in no sense of the word a civil matter. It is a duty we owe

to the Creator, not to man. There is a very wide difference between being civil and being religious.

### **Works of Charity and Necessity Undefinable**

Many Sunday laws now in force, as well as many of the Sunday bills introduced into legislative bodies from time to time, exempt works of "charity and necessity." These words cast an almost impenetrable cloud of obscurity over the meaning and application of the measures containing them. Who is able to determine whether a certain deed is an act of "charity" or of "necessity"? In its truest sense, charity is an act of religion, a thing of the heart; and no court, except the tribunal of the universal Judge, can determine the motives of the human soul.

### **Charitable Sunday Wood Chopping**

Then what is the word "charity" intended to cover? Is it relieving pain, helping those in trouble, doing kindly acts? If so, these can be made to cover a multitude of things which Sunday-law advocates do not sanction. It might be an act of charity to chop wood on Sunday for a sick person, or to take a team and haul a ton of coal to a widow. Would this excuse from arrest the man who chopped the wood or hauled the coal? To provide on Sunday a free excursion into the country for the poor of the congested, unhealthful portions of a city, would be a charitable act. But would not the men employed to run the train be liable to fine or imprisonment? Or should some philanthropic person charter a steamer and take some orphan children on Sunday down the river for an outing, would this excuse the captain and engineer from arrest for Sunday work?

A work of necessity is undefinable. What would be necessary for one man on Sunday might not be for another; and what is necessary on one Sunday may not be on the next. What may be necessary in one locality may be entirely unnecessary in another.

### **Works of Necessity — How About Church Bells?**

Besides, whose "necessity" is meant in these Sunday bills? Is it the one who works, or the one for whom labor is performed? A man may deem it necessary some Sunday morning to go into the forest and chop wood to keep his family from freezing. The ring of the ax may disturb the ear of the preachers. Are they for this reason to decide the work unnecessary, and hale the chopper to court? The ringing of the church bell on Sunday morning may disturb the secular ear of the



unbeliever, who would like to sleep. Must it be understood, therefore, that all church bells are unnecessary and not to be rung? If not, why not? Are the courts to decide that a seminarist is not as competent to say what is a work of necessity as a preacher? A farmer may decide that in order to get his crop planted in time, it is necessary for him to work on Sunday. Or in harvesting the same, he may think it necessary, in order to save his grain or hay, that he not only work himself, but employ others on that day. Who is to determine this, the farmer, the judge, or the jury? It may not seem necessary to a contractor to touch his work on Sunday, but it may seem imperative to the one for whom the work is being done, or it may seem necessary to the men working on the job, for them to work seven days in the week in order to provide for their families, because of the high cost of living. Who is to invade the privacy of the home, and settle these questions? Shall it be left with the representatives of some ecclesiastical National Reform Bureau or Lord's Day Alliance? with the courts? or with the individual?

### **The Sunday Shave**

One man may conclude on a hot Sunday that it is a necessity that he partake of "refreshments." But thousands live year after year without any refreshing drink except water. It may not be necessary for a man to be shaved or have his hair cut on Sunday, but the barber may decide that in order to provide properly for his family it is necessary for him to shave his customers on that day. Again, delivering ice to the rich, who have ways of keeping it over Sunday, may not be a necessity, but with the poor, sweltering in the congested tenements of the cities, the case may be far different. Whose necessity shall be considered, the rich or the poor? Who is prepared to swear that it is absolutely necessary for a man to get up on Sunday morning or to eat his breakfast on that day? It is convenient, of course; but this is not the question. If only acts of actual necessity are to be permitted by the promoters of Sunday laws, where shall the line be drawn?

It is sometimes asserted that work on Sunday should be prohibited because it annoys the worshipers. But honest labor is not annoying to worship. Why should it be more annoying on Sunday than on Wednesday? Only because it interferes with certain religious convictions or prejudices. But only bigots insist that their religious prejudices must be protected by law, and any attempt to do so can result only in persecution, now as in the past. Revival meetings are conducted every day in the week, while the din of boiler factories, the crashing and grinding of vast iron mills, the rattle of trains, and the scream of steamboats are

heard daily, and no one is annoyed religiously. Why is it that this work is more annoying on Sunday than on other days? Because of the religious convictions of the people concerning the day itself. And it is this "religious conviction" that Congress is asked to enact into law.

### **A Way to Endless Controversy**

It is needless to add more. Enough has been said to show that this claim,—that Sunday is a civil institution,—which is introduced into nearly all Sunday-law measures, is merely a subterfuge by which men seek to evade the difficulties in which they find themselves involved when once the state enters a field in which it has no right. Concerning these intricate questions no human tribunal can discriminate; and the vain jangling which would be necessary in order to find the way out of the labyrinth of confusion concerning the question of Sabbath breaking, is only the beginning of the endless controversy in which the state becomes entangled when once it enters the realm of religion.

We are not defending Sabbath desecration, nor pleading in justification of working seven days in a week. We honor the command, "Remember the Sabbath day, to keep it holy," and respect the instruction, "In earing time and in harvest thou shalt rest." But we hold that only those should be expected to keep the Sabbath who love and respect it, and who desire to keep it, and that for such the divine command is all-sufficient.

### **A Question for Circumstances and Conscience to Decide**

Nor do we deny the fact that works of charity and necessity are called for on the Sabbath, and that these are justified by the words of Christ, "It is lawful to do well on the Sabbath days;" "The Sabbath was made for man, and not man for the Sabbath." But just what these works are, and when any work is lawful or unlawful on the Sabbath, each individual must decide for himself before God. His own conscience, enlightened by the word of God, and guided by the Spirit of God and the circumstances connected with each particular case, must determine this, and not some human enactment or court of law.

The question involved is one of religion and conscientious conviction. With such matters civil government cannot of right interfere. This, therefore, is only another evidence that the Sabbath question, and everything connected with it,—which day is the Sabbath, how it should be observed, and what is proper or not proper to do on the day,—are all outside the legitimate sphere of civil government. Religion and the observance of religious institutions should be left to God and the conscience. They are not proper subjects for human legislation and legal adjudication.



MARTYRDOM OF HUSS FOR SO-CALLED HERESY

## FREEDOM OF SPEECH AND OF THE PRESS

LIBERTY in disseminating information, in advancing ideas, or in conducting propaganda, is what is meant by freedom of speech and of the press.

Almost a century and a quarter ago, Alexander Addison wrote:

"True liberty of speech and of the press consists in being free to speak, write, and print, but being, as in the exercise of other liberties, responsible for the abuse of this liberty; and whether we have abused this liberty or not, must, like all other questions of right, be left to the decision of a court and jury. This is the universal test by which the exercise of all our rights must be tried." — *"Liberty of Speech and of the Press,"* p. 14.

### Freedom for Voice and Pen

Of all the boons of a free people, the one most highly cherished, because the most vital of all, is liberty not only to form, to have, and to hold opinions, but freedom to publish those opinions and the reasons for them by either voice or pen, as inclination may suggest or occasion seem to demand.

"We must be free or die, who speak the tongue  
That Shakespeare spake; the faith and morals hold  
Which Milton held."

—Wordsworth.

"Iron sharpeneth iron," wrote the wise man; "so a man sharpeneth the countenance of his friend;" and Solomon might well have added, "and his wits as well," for to stop the free interchange of ideas would be not only to block the wheels of progress, but to turn the world back to the Dark Ages.

The same underlying thought is expressed by Wordsworth in the lines:

"How does the meadow flower its bloom unfold?  
Because the lovely little flower is free  
Down to its roots, and in that freedom, bold."

It must be apparent to all that freedom to unfold facts and thought is all-important, since all other liberty depends upon it. Of what value would be the right to vote, for instance, if all means of gaining or of disseminating information were prohibited? What would the average citizen know about public affairs were the newspapers of the country permitted to print only such articles and to communicate only such information as might be approved by the postmaster-general or some



PAUL AND SILAS IN PRISON

Give me liberty to know, to think, to believe, and to utter freely according to conscience, above all other liberties.— *John Milton.*

In this struggle of democracy, in this crusade for free institutions, let us hold fast among ourselves to those great underlying principles of freedom and liberty without which we may be a republic in name, but could never be one in fact. Without an unfettered press, without liberty of speech, all the outward forms and structures of free institutions are a sham, a pretense — the sheerest mockery. If the press is not free; if speech is not independent and untrammelled; if the mind is shackled or made impotent through fear, it makes no difference under what form of government you live, you are a subject and not a citizen. Republics are not in and of themselves better than other forms of government, except in so far as they carry with them and guarantee to the citizen that liberty of thought and action for which they were established.— *Senator William E. Borah, in a speech against a Repressive Press Bill, reported in the Congressional Record, April 19, 1917, pp. 833-839.*

Each decade in the history of this nation reveals more distinctly the wisdom of the men who framed our Constitution. So remarkable were some of their acts, and so prophetic, that we are sometimes forced to think that they builded better than they knew. In no subject is this more noteworthy than in the principle which they laid down in regard to the independence of church and state. . . . For thereby the citizen and official were freed from religious tests, and the forces of religion were set free to do their work without the bondage and, what may be more dangerous, the patronage of the state. The story of the struggles of the nations of Europe, Italy, France, Portugal, Germany, and England toward this freedom during the past generation, fills us with gratitude for our happy heritage.— *William Lawrence, D. D., in Boston Evening Transcript, Feb. 15, 1911.*

other agent of the Government? The fact is, a free press is the guardian of our liberties, the palladium of our rights, both civil and religious.

### **Press-Muzzling Laws Strictly Forbidden**

The First Amendment to our national Constitution provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

This Article was proposed by Congress in 1789 and was ratified as promptly as possible by the legislatures of the several States, and until 1798 nobody thought of calling in question any part of it. Then, under strong provocation, the Sedition Law was enacted by Congress and signed by President John Adams. This statute made it a high misdemeanor, punishable by a fine not to exceed \$5,000, imprisonment from six months to five years, and binding to good behavior at the discretion of the court, for any persons unlawfully to combine in opposing measures of the Government properly directed by authority, or attempting to prevent Government officers from executing their trusts, or inciting to riot and insurrection. It also provided for the fining and imprisoning of any person guilty of printing or publishing "any false, scandalous, and malicious writings against the Government of the United States, or either house of Congress, or the President, with intent to defame them, or to bring them into contempt, or disrepute."

### **The Sedition Law — Why It Was Opposed**

This act was assailed with great vigor by the opposition, and was deplored by some of the best friends of the administration. Hamilton deprecated the measure. He wrote a hurried note of warning against the Sedition Act (June 29, 1798) to Walcott, while the bill was pending, saying: "Let us not establish a tyranny. Energy is a very different thing from violence. If we take no false step, we shall be essentially united; but if we push things to the extreme, we shall then give to parties body and solidity." — *Harper's "Encyclopedia of United States History,"* art. "Alien and Sedition Laws."

The passage of this act, and especially its enforcement, created much bitter feeling. Matthew Lyon, a member of Congress from Vermont, and publisher of a newspaper, the *Freeman's Library*, was prosecuted under this law for a libel on President Adams. He was imprisoned for four months and fined \$1,000. But while in jail Mr. Lyon was triumphantly re-elected to Congress.

Virginia, New Jersey, Pennsylvania, and Kentucky demanded of Congress the repeal of the Sedition Law, and resolutions were passed to this end. In these resolutions the law was described as an act "which does abridge the freedom of the press," which "is not law, but is altogether void and of no effect."

This mischievous act did not become a law without encountering strong opposition, but it was made a party measure and was passed by a strictly party vote. Both the law and the party that passed it were repudiated by the people, however, at the general election of 1800.

### A Free Press and a Free Conscience

When the Sedition Act was before Congress, Mr. Edward Livingston was one of the members who spoke against it, placing freedom of expression on the same plane with liberty of conscience, as does the Constitution itself. Said Mr. Livingston:

"This privilege is connected with another dear and valuable privilege—the liberty of conscience. What is liberty of conscience? Gentlemen may tomorrow establish a national religion agreeably to the opinion of a majority of this house, on the ground of a uniformity of worship being more consistent with public happiness than diversity of worship. The doing of this is not less forbidden than the act which the house are about to do"—"*Annals of Congress*," July 10, 1798.

Mr. Nicholas, of Virginia, declared that the measure was in direct opposition to the clause of the Constitution which says that Congress shall pass no law abridging the freedom of the press. He said:

"Congress is about to pass such a law. For it is vain to talk about the 'licentiousness of the press,' the prohibition is express, 'shall pass no law to abridge,' etc. And as to what gentlemen called 'the licentiousness of the press,' it was so definite a thing, that what was deemed 'licentiousness' today by one set of men, might, by another set, tomorrow, be enlarged, and thus the propriety of the information to be given to the public would be arbitrarily controlled."—*Ibid.*

The Sedition Law became a great party issue in the Presidential election of 1803 when the Whigs went down in defeat and Thomas Jefferson became President.

### Freedom of the Press Again Threatened

It was thirty-five years before freedom of the press was again attacked in this country. In 1838 President Jackson recommended the passage of a law that would keep certain literature out of the mails. It was attempted to make the proposed measure a party question, but without success. Senator Morris, of Ohio, said:

"I follow party where the Constitution and principle lead; and when men attempt to take their place, I halt."—*Congressional Globe, April 14, 1836, p. 284.*

Inasmuch, however, as the President himself was urging the passage of the measure to which we have referred, the United States Senate had appointed a select committee, of which John C. Calhoun was chairman, to examine into the proposed act and to report upon it. On Feb. 4, 1836, this committee submitted a report, written by the chairman, of such a nature as to put an end for many years to the agitation for legislation of this kind. The bill under consideration did not propose to forbid publication, but only to shut out of the mails certain matter.

### Report of a Senate Committee

Touching this proposal a Senate committee said:

"It must be apparent that to prohibit publication on one side, and circulation through the mail on the other, of any paper, on account of its religious, moral, or political character, rests on the same principle; and that each is equally an abridgment of the freedom of the press, and a violation of the Constitution. It would indeed have been but a poor triumph for the cause of liberty, in the great contest of 1799, had the Sedition Law been put down on principles that would have left Congress free to suppress the circulation, through the mail, of the very publications which that odious act was intended to prohibit. The authors of that memorable achievement would have had but slender claims on the gratitude of posterity, if their victory over the encroachment of power had been left so imperfect. . . .

### Interference With the Press Unconstitutional

"The principle on which the Sedition Act was condemned as unconstitutional, was a general one, and not limited in its application to that act. It withdraws from Congress all right of interference with the press, in any form or shape whatever; and the Sedition Law was put down as unconstitutional, not because it prohibited publications against the Government, but because it interfered, at all, with the press. The prohibition of any publication on the ground of its being immoral, irreligious, or intended to excite rebellion or insurrection, would have been equally unconstitutional; and from parity of reason, the suppression of their circulation through the mail would be no less so."—*"U. S. Senate Documents," First Session Twenty-fourth Congress, Vol. II [118].*



### Liberty to Speak and Publish of Prime Importance

True, there are considerations that at times would appear to justify in some measure certain restrictions upon the liberty of the press; but these seem to have been considered by our forefathers, and to have been swept aside as of little moment alongside of the priceless boon of freedom of expression. One writer said in 1804:

"The truth is that such is the just estimation of the utility of the press that the founders of our Constitution would fain have exempted it from all control whatsoever; as, however, the great end of all government is to afford protection to persons, property, and reputation, even the press must yield to this object. It must yield to the superior right of obtaining redress through the Constitutional tribunal of a jury." — *Essays on 'The Liberty of the Press,' by Marcellus, 1804, p. 7.*

In 1801 the Hon. John Thompson said this:

"The liberty of speech and press, being of the first importance to mankind, ought to be guarded with the most jealous vigilance. No pretenses or excuses ought to be adduced by the government, or admitted by the people. The same duty which obliges the people to yield a prompt and willing obedience to constitutional laws, directs them to oppose every one of an opposite kind." — *An Inquiry Concerning the Liberty and Licentiousness of the Press," by John Thompson, 1801, p. 30.*

### Press Responsible but Not Subject to Censorship

The late Mayor Gaynor, of New York, wrote:

"It has hitherto been the understanding in this country that no censorship can be established by law to decide in advance what may or may not be lawfully printed or published. Ours is a government of free speech and a free press. That is the corner-stone of free government."

*Harper's Weekly* of Jan. 13, 1915, said:

"Freedom of speech and publication is guaranteed in the Constitution of the United States and in the constitutions of practically all the States. Unjustifiable speech or publication may be punished, but cannot be forbidden in advance."

Again we quote the Hon. John Thompson (1801):

"All the opponents of the liberty of the press have sheltered themselves behind the specious veil of preserving the public peace. They say licentiousness must be suppressed. Dangerous opinions in politics and religions must be guarded against, otherwise the social order of society will be endangered. What, it may be asked, would have been the situation of mankind at this moment, had the subjects of religion and politics

never been investigated? 'Orthodox' and 'heterodox' are words of very doubtful meaning. What is orthodox at Constantinople, is heterodox at Rome; and what is deemed sacred and indisputable by the Conclave, is termed superstition at Geneva." — "*An Inquiry Concerning the Liberty and Licentiousness of the Press*," 1801, p. 77.

A still more recent opinion from an American educator should not be omitted:

### Shackle the Press: Endanger the Nation

"Freedom of speech is of interest not merely to the press. The press is but the outpost which, attacked and captured, permits the citadel of the new order, the walls of the nation, to be taken. Preservation of the ideal of Western civilization means the preservation of unpolluted news sources, of the freedom of the press, of the right of criticism, of individual opinion, of deliberate consideration of public questions." — *Prof. Walter Williams, dean of the School of Journalism of the University of Missouri, quoted in the Manufacturers' Record, Baltimore, Md., Oct. 14, 1920.*

But while we are quoting these opinions, it should be remembered that principles are greater than men. Freedom of speech and of the press rests not upon opinions, however high their source, but upon the claims of inalienable rights, and the guaranties of the Constitution. Men may go wrong, but right principles are as abiding as the everlasting hills, and as strong as truth itself.

It may be asked in this connection, Is the press to be absolutely free? Are men who may be traduced and slandered to have no redress? We reply, The press must be absolutely free, but not irresponsible. Men must be held responsible for what they speak, write, and publish, just as they are held responsible for what they do. But our laws against libel are ample. Under them men may be mulcted in financial penalties or even imprisoned for the abuse of the liberty guaranteed them under the Federal Constitution and State constitutions, but there can be no censorship, and no persecution for opinion's sake, whether religious or political. Only in so far as our Constitutional guaranties of freedom of expression are respected and maintained can we as a people justly claim to be free.

But while we thus stress liberty of speech and of the press as vital to both civil and religious liberty in the historical sense, let us not forget that, in the words of Cowper,

"He is the freeman whom the truth makes free,  
And all are slaves besides."

## ACKNOWLEDGMENT OF GOD AND THE CHRISTIAN RELIGION IN THE CONSTITUTION<sup>1</sup>

February 18, 1874.— Ordered to be printed

Mr. Benjamin F. Butler, from the Committee on the  
Judiciary, submitted the following

### REPORT

*The Committee on the Judiciary, to whom was referred the petition of E. G. Goulet and others, asking Congress for "an acknowledgment of Almighty God and the Christian religion" in the Constitution of the United States, having considered the matter referred to them, respectfully pray leave to report:*

That, upon examination even of the meager debates by the fathers of the Republic in the convention which framed the Constitution, they find that the subject of this memorial was most fully and carefully considered, and then, in that convention, decided, after grave deliberation, to which the subject was entitled, that, as this country, the foundation of whose government they were then laying, was to be the home of the oppressed of all nations of the earth, whether Christian or pagan, and in full realization of the dangers which the union between church and state had imposed upon so many nations of the Old World, with great unanimity that it was inexpedient to put anything into the Constitution or frame of government which might be construed to be a reference to any religious creed or doctrine.

And they further find that this decision was accepted by our Christian fathers with such great unanimity that in the amendments which were afterward proposed in order to make the Constitution more acceptable to the nation, none has ever been proposed to the States by which this wise determination of the fathers has been attempted to be changed. Wherefore, your committee report that it is inexpedient to legislate upon the subject of the above memorial, and ask that they be discharged from the further consideration thereof, and that this report, together with the petition, be laid upon the table.

<sup>1</sup> Report of the Judiciary Committee of Congress upon the question of the acknowledgment of God and the Christian religion in the United States Constitution, submitted to the House of Representatives, Feb. 12, 1874.

## THE LIMITATIONS OF CIVIL AUTHORITY

THERE is only one all-powerful ruler — God. Even He has withheld from Himself the prerogative to violate the principles of justice or to invade the citadel of the soul to force the individual conscience in matters pertaining to the spiritual life. God made all men free moral agents, and endowed them with certain privileges and immunities that are inalienable and irrevocable so long as God is a God of justice and man a free, responsible agent.

Likewise, there are limitations that the civil authority cannot exceed without doing violence to justice in its relation to the people and their rights. An unlimited monarchy may claim absolute authority over the bodies and souls of all its subjects, and may invade natural rights, but justice still confirms them. A republican form of government, as contrasted with an absolute monarchy, by right cannot exceed the powers delegated to it by the people, nor can the majority invade natural rights nor regulate the duties of the minority on purely religious questions and obligations.

### God Vindicates Loyal Obedience

Civil government is not the custodian of religion nor of the soul of man. Civil authorities rightfully cannot regulate a man's religion nor prescribe his duties to God. Time and again God has vindicated the course of those who, in their loyalty and devotion to Him, have refused to bow the knee and render obedience to unjust mandates of civil authorities, which were in conflict with the law of the moral Governor of the universe.

The true sphere of civil government was well defined by our forefathers in the Declaration of Independence:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

This same principle of equal rights was enunciated by Jesus Christ when He said: "Whatsoever ye would that men should do to you, do ye even so to them." Matt. 7:12.

### Civil Government Ordained of God

When the Lord said in Eden, "It is not good that the man should be alone," His words evidently included not only Adam's future



### JUNKING THE PRICELESS PRINCIPLES OF RELIGIOUS FREEDOM

It has been made an objection to the Constitution, by some, that it makes no mention of religion, contains no recognition of the existence and providence of God,—as though His authority were slighted or disregarded. But such is not the reason of the omission. The convention which framed the Constitution comprised some of the wisest and best men of the nation,—men who were firmly persuaded not only of the divine origin of the Christian religion, but also of its importance to the temporal and eternal welfare of men. The people, too, of this country were generally impressed with religious feelings, and felt and acknowledged the superintendence of God, who had protected them through the perils of war and blessed their exertions to obtain civil and religious freedom. But there were reasons why the introduction of religion into the Constitution would have been unseasonable, if not improper.—“*Christian Life and Character of the Civil Institutions of the United States*,” pp. 259, 260.

May this immense temple of freedom [the United States] ever stand a lesson to oppressors, an example to the oppressed, a sanctuary for the rights of mankind!—*General Lafayette*, in reply to a committee sent by Congress to express its gratitude for his service to this country.

A man's Constitutional liberty means more than his personal freedom. It means, with many other rights, his right freely to labor, and to own the fruits of his own toil. It is a curious law for the protection of labor which punishes the laborer for working. . . . Such protection to labor, carried a little farther, would send him from the jail to the poorhouse.—*Justice Henshaw*, in decision of California Supreme Court.

companion, but the generations then unborn; for God has so constituted man that it is impossible for him to be free from obligations to his fellow men. He enters the world the most helpless of all creatures, and cannot live unless nourished and cared for by others. For months and even years he must be cherished before he can provide for his smallest wants.

The prerequisites of civil government are territory and people. The individual man or woman may be an asset or a liability, according to the physical, mental, and ethical status of each. It is therefore a matter of public concern that every child shall be well born, carefully reared, properly educated, and skilfully trained. This principle of mutual obligation, requiring the strong and prosperous to care for the weak and the unfortunate, denies the right of any one to pursue a course or perform an act that would unfit him or his posterity, or any one else, to bear their proper share of life's responsibilities. It makes it the duty of the government to regulate marriage, to suppress vice, to prohibit intemperance or other things which would destroy one's civic usefulness.

### **Salvation Beyond the Power of Legislatures and Courts of Justice**

While it should do all possible for the material and ethical uplift of its citizens, it is not within the purview of civil government to fit men and women for heaven. Jesus said, "Render therefore unto Cæsar the things which are Cæsar's; and unto God the things that are God's." Matt. 22: 21. This was when they asked Him if they should pay tribute to Rome. In His reply He taught that man owes a duty to civil government, but that he owes other duties to God, and over these the civil government has no jurisdiction.

While civil government has no right to define, nor prerogative to enforce, religion, it is its duty to recognize the right of every citizen to be religious, and his right to define the tenets of his own faith (within the realm of faith, not invading the rights of others). Civil government has no right to say that Sunday, Saturday, or any period of time shall be religiously observed; but the government should protect each individual in the observance of any day he may choose. The right or wrong of the choice must be left between the worshiper and his God.

### **God Accepts Only Willing Service**

It is not the work of civil government to coerce men in religion. God is not a slaveholder, to compel men to worship Him. If civil government had the power to force men to serve God, their serving Him would profit them nothing, for God does not accept compulsory service; He

receives only those who come to Him of their own free will. "Whoever will" defines the terms of admission to His favor.

Man is distinguished from the lower animals by his ability to understand moral truths, to know right from wrong, to choose or refuse to obey God. When man ceases to exercise his God-given power of choice in religion, and permits state or church to dictate his worship, he is denying the right of his manhood.

Man rules his dominion by force, but God rules His kingdom by love. His earthly subjects are men and women who "love righteousness." Having been "born again" and having "become partakers of the divine nature," they obey and worship God because they love His ways. It is above the power of the church, the state, or fallen angels to compel a soul to worship God or not to worship Him. Though they may in fury tear a man limb from limb, or burn him at the stake, they cannot compel him either to love or to hate God.

If it were within the province of civil government to compel the worship of God, it would be also within its power to forbid such worship, which would then depend upon the whim of man's legislation. True Christianity is not built upon civil government. God's cause survived when the Roman Empire was overthrown.

### **Liberty Guaranteed by the United States Constitution**

The founders of the American Republic well understood the evils of religious legislation, and forever to prevent such evils in the United States of America, laws concerning religion were forbidden by the national Constitution. Article 1 of the Amendments reads, in part, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It has been claimed that this did not prevent the several States from making religious laws. But religious liberty being a privilege of the citizens of the nation, such legislation is forbidden by the following from Article 14, Section 1, of Amendments: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." Notwithstanding this seeming safeguard of personal rights, some of the States have failed to repeal their religious laws, inherited from the old church-and-state régime of colonial times, and citizens of the United States still suffer under them.

### **The Injustice of Sunday Laws**

Religion, as an action of the mind, a matter of faith, is beyond the power of law to give or take away. But it is possible for civil govern-

ment to interfere with the exercise of that faith. No human power can prevent one's believing that the seventh day—Saturday—is the Sabbath and the only day that should be regularly observed as a day of sacred rest. But it is possible to fine or imprison one who reduces his faith to practice by resting only upon that day. If a law were enacted compelling all to rest on Sunday, allowing the Sabbatarian to rest also on the day of his choice, it would be depriving him of one business day each week; in other words, fining him one sixth of the working time for the privilege of *exercising* religious freedom. To prevent such persecution, the Constitution was made to forbid the enactment of any law "respecting an establishment of religion," or interfering with "the free exercise thereof." The Constitution was made to safeguard the fundamental rights of citizens, even should a majority arise against them. For while the majority should rule in all matters of public business and policy relative to man's duty to man, yet no majority, however great, can alter a fact, create a principle, or coerce the conscience. If the will of the majority, because it is the majority, makes wrong right, then the broad road that leads to death and destruction becomes the highway to life when the overwhelming majority goes that way.

### **The Principles of Religious Liberty First Enunciated by Christ**

One of our American historians well says:

"No one thought of vindicating religion for the conscience of the individual till a voice in Judea, breaking day for the greatest epoch in the life of humanity by establishing a pure, spiritual, and universal religion for all mankind, enjoined to render to Cæsar only that which is Cæsar's. The rule was upheld during the infancy of the gospel for all men. . . . The new nation, . . . when it came to establish a government for the United States, refused to treat faith as a matter to be regulated by a corporate body, or having a headship in a monarch or a state. Vindicating the right of individuality even in religion, and in religion above all, the new nation dared to set the example of accepting in its relations to God the principle first divinely ordained in Judea. It left the management of temporal things to the temporal power; but the American Constitution, in harmony with the people of the several States, withheld from the Federal Government the power to invade the home of reason, the citadel of conscience, the sanctuary of the soul; and not from indifference, but that the infinite Spirit of eternal truth might move in its freedom and purity and power."—*History of the Formation of the Constitution of the United States of America*, Vol. II, book V, chap. 1, pp. 325, 326.



### **Dangerous Sophistry**

*The question, What is the law of man? is therefore not the question lying at the foundation of one's proper duty in the paramount claims that religion makes upon the soul of man. A greater and deeper question is, What is right? What is God's claim upon my conscience? Too frequently the cry is raised as of old: "The law must be enforced! The dignity of the law must be sustained at any cost!" It was by such sophistry as this, without taking into consideration the nature of the law and the proper limitations which must ever exist in the exercise of power, that the most cruel and despotic acts of persecution have always been perpetrated and justified. Under such sophistry the Medes and Persians cast Daniel into the lions' den, and the Babylonians cast the three worthies into the fiery furnace. Under such sophistry the Jewish Sanhedrin and Pilate decided that they were justified in crucifying Christ. "We have a law, and by our law He ought to die," said the Jews. Under such sophistry the bloody edicts of Nero and Caligula, of Domitian and Diocletian, were executed against the early Christians. Under such sophistry the professed Christian church of the days of medievalism enacted her tenets of faith and religious dogmas into civil law, and then enforced the law upon all dissenters and nonconformists, until the streams of Europe flowed crimson with the blood of martyrs. They did not call it persecution. They said they were simply upholding the dignity of the law by enforcing the statutes.*

### **Martyrdom the Fruit of Church-State Domination**

Under a similar sophistry,—that it is the duty of the state to foster religion by civil authority and protect it from desecration,—militant crusades have been instituted, bloody massacres have been perpetrated, and many martyrs have been burned at the stake, tortured on the rack, and executed upon the scaffold of oppression at the behest of the legally established religion of the state.

Injustice enthroned in law and administered by tyrants does not make it incumbent upon any person to submit to tyranny to the extent of speaking or acting contrary to his conscience and his duty to God. Come what may, he is still bound to do right and to be loyal to the claims of the higher law of God. The law of God and the dictates of the individual conscience must be obeyed at any cost. The greatest boon of life, which no power on earth can take away, is soul liberty. No human enactment that is contrary to the law of God, ought to be enforced or obedience to it required of men. Such laws ought to be repealed and nullified, not enforced.

**"Keep Church and State Forever Separate"**

The church ought not to step into the province of the state, neither should the state invade the proper domain of the church. Each is ordained of God to do a distinct and specific work. The church is to do its work of beseeching men, by the power of love, to be reconciled to God; the state is to bear the sword of force to punish the evil-doer in the domain of civil affairs. The church is to save the sinner through the grace of Christ and the gospel; the state is "a revenger to execute wrath upon him that doeth evil" to his fellow men. Rom. 13:4. The church offers the blood of Christ for sin; the state administers punishment for crimes committed against individuals and society.

The terror and bane of all past ages has been a union of church and state. This unholy union has invariably resulted in prolonged periods of retrogression and bloody persecution. Christ taught the total separation of church and state, and definitely fixed the dividing line between the two realms—the state and religion—when He said: "Render therefore unto Cæsar the things which are Cæsar's; and unto God the things that are God's." General Grant echoed the mandate of Christ when he said, "Keep church and state forever separate."

**Keep Natural Rights Inviolable**

Civil government, when it exercises its legitimate powers, can deal only with human affairs. When civil authority remains within its legitimate domain, it should have the unhesitating loyalty and obedience of all its citizens. It is only when the civil government exceeds its proper limitations, by coming into plain conflict with the higher claims of the law of God, that man is justified and rightly and divinely vindicated in obeying God rather than men. The proper sphere of civil government is to preserve and protect the rights of the people. For this purpose civil government was ordained of God and divinely blessed.

No one ought to be permitted to invade the natural rights of another, under plea of the divine right to rule, or under the plea of conscientious convictions of duty, or any other pretext. The natural rights of man, the claims of God, and the prerogatives of the state are not in conflict with one another, and each, when rightly exercised, will respect the rights of the other.



FUTURE CITIZENS IN TRAINING

## RELIGION IN THE PUBLIC SCHOOLS

ONE of the greatest institutions the state has created for its own preservation is the system of universal education. The common school system, fostered and supported by the state, aims to prepare the children for civil citizenship. When the state inaugurated a system of general taxation for educational purposes, it gave definite promise to its citizens, of whatever religious belief, that the public school curriculum and teaching should be purely and exclusively secular, so that all citizens, without regard to religious beliefs, might enjoy equal privileges before the law.

It was clearly seen that no system of religious instruction could be adopted that would be agreeable and acceptable to all citizens, and that it would not be fair and just to tax all alike,—believers and unbelievers, Christians and infidels,—and then discriminate between taxpayers by teaching the views of one class on the subject of religion while ignoring or by implication condemning others.

### Judge Orton's Opinion

As Judge Orton, of the supreme court of Wisconsin, said :

"How can religion . . . be taught in the common schools, without taxing the people for or on account of it? The only object, purpose, or use for taxation by law in this State, must be exclusively *secular*. There is no such source and cause of strife, quarrels, fights, malignant opposition, persecution, and war, and all evil in the state, as religion. Let it once enter into our civil affairs, our government would soon be destroyed. Let it once enter into our common schools, they would be destroyed. Those who made our Constitution saw this, and used the most apt and comprehensive language in it, to prevent such a catastrophe."

The general tax system is not the only barrier that stands in the way of teaching religion in the public schools. Both the Federal Constitution and the State constitutions have provisions which expressly prohibit the civil authorities from enforcing religion or interfering with the religious belief of any citizen. The civil government has divorced itself entirely from the functions and duties of the church in its fundamental law, and therefore is prohibited from aiding the churches or making any expressed or working alliances with religion. This was done not because of any unfriendliness on the part of the state toward



### THE SIN OF UZZAH

God commanded that only the priests and Levites of Israel should touch the sacred golden ark, or chest, containing the law of God, written with His own hand upon two tables of stone. Uzzah presumed to steady the ark, "for the oxen stumbled. And the anger of the Lord was kindled against Uzzah, and He smote him, because he put his hand to the ark: and there he died before God." 1 Chron. 13: 9, 10. It is a terrible mistake to suppose that God's law needs the support of civil government. God requires individual obedience to His mandates, not human legislation concerning them.

Our national Constitution took advance ground when it forbade Congress to establish religion or to prohibit its free exercise, and recognizes no religious test as a qualification for office or public trust. Some of our States even yet have not advanced so far. There are still survivals in the constitutions of that earlier, more intolerant spirit which now seems so strangely out of place.—*James Quayle Dealey, in "Our State Constitutions," p. 62.*

the church or religion, but to place all sects on an equality before the law and to avoid sectarian strife, which is the inevitable result of mixing religion and civil affairs.

### **Present-day Tendencies**

Notwithstanding the fact that the civil government of the United States, both national and local, is Constitutionally prohibited from making religious instruction a part of the public school curriculum, there are certain religious organizations which are continually urging that very thing. Not infrequently they succeed in their efforts, just as they do upon the subject of compulsory Sunday observance, which is contrary to the Constitutional guaranties of religious freedom.

Dr. William M. Taylor said, "It looks very pious to say that we should have religion taught in our schools; but it is terribly short-sighted, and exceedingly unstatesmanlike;" and no matter from which angle one examines this subject, the more clearly will it be seen that this remark is just.

Paul said his countrymen had a zeal toward God, but not according to knowledge. The Jews had so much legal religion that it finally led them even to crucify Christ. "We have a law," said they, "and by our law He ought to die." The truths and principles of Christianity have no greater obstacle standing in the way of their success than the blind zeal of misguided friends.

### **Religious Instruction Under Compulsion Sacrilegious**

To bar religious instruction from the public schools seems, to some zealously religious people, to border on sacrilege and irreligion; but the fact is that to compel such instruction to be given, under penalty and in violation of Constitutional prohibitions and true Christian ethics, thus making it a common thing, is beyond question closely akin to sacrilege. It is an utter perversion, not only of the political aim of government, but also of the gospel of Christ. The American government is built upon ideas and principles that are the exact opposite of the old colonial and medieval régime of compulsory religious obligations imposed by civil law. It is a hard matter for some churches to break away from the old order of things and to adjust themselves to the new. America is afflicted with many church leaders who have migrated to this country from foreign lands where the civil government still fosters a state religion. Consequently they look upon the American government, which is completely divorced from religious obligations by the Constitution, as essentially pagan.

**In the Ohio Supreme Court**

This vexatious and much-agitated question of compulsory religious instruction in the public schools, with its resultant evils and perplexities, is most strikingly set forth in a lawsuit brought into the superior court at Cincinnati in 1869, by many leading citizens, against the board of education of that city, to enjoin the enforcement of a resolution of that board forbidding the reading of the Bible in the public schools. A bitter and heated legal controversy ensued.

Judge Stanley Matthews, afterward a justice of the Supreme Court of the United States, appeared, with other eminent lawyers, in defense of the action of the school board. Judge Matthews was an elder in the Presbyterian Church and was regarded as one of its pillars. Many of his warmest friends were alienated from him because of his attitude in this litigation. He believed the question involved was one affecting liberty of conscience, and that it was his duty as a citizen and a Christian to aid others who held similar views, especially when called upon to do so in his professional capacity. His arguments before the high court constitute the masterpiece of his life and are unanswerable. He won a favorable decision from the supreme court of Ohio in 1872.

**Great Personal Sacrifice**

The opening sentences of his argument were uttered with much visible emotion. He said:

"May it please Your Honors: It would cost me a very painful physical effort to appear today in any case; it has cost me a very difficult and painful mental effort to appear in this. It is easy to swim with the tide, to go with the current, to follow in the wake of the multitude. To do things that are popular is not hard. But to stand by a man's individual moral convictions, in opposition, not to enemies, but to friends, tries a man. If Your Honors please, it tries me. Except the loss of dear children, this is the most painful experience of my life—to be told that I am an enemy of religion, that I am an opponent of the Bible, that I have lost in this community my Christian character, and that my children and my grandchildren will reproach my memory for this day's work. For all that, and more, has not been whispered merely through the crowds, but has been told me to my face. If Your Honors please, I would be silent today if I dared, but I have no choice."

Space will not permit the printing of this masterly speech in full. We must content ourselves by quoting, in part, the opinion of the supreme court of Ohio in this case, as follows:

### **The Court's Opinion**

"We are told that this word 'religion' must mean 'Christian religion,' because 'Christianity is a part of the common law of this country,' lying behind and above its constitutions. Those who make this assertion can hardly be serious, and intend the real import of their language. If Christianity is a law of the state, like every other law, it must have a *sanction*. Adequate penalties must be provided to enforce obedience to all its requirements and precepts. No one seriously contends for any such doctrine in this country, or, I might almost say, in this age of the world. . . .

"True Christianity asks no aid from the sword of civil authority. It began without the sword, and wherever it has taken the sword, it has perished by the sword. To depend on civil authority for its enforcement is to acknowledge its own weakness, which it can never afford to do. It is able to fight its own battles. Its weapons are moral and spiritual, and not carnal. Armed with these, and these alone, it is not afraid nor 'ashamed' to be compared with other religions, and to withstand them single-handed. And the very reason why it is not so afraid or 'ashamed' is that it is not the 'power of man,' but 'the power of God,' on which it depends.

### **True Christianity Often in the Minority**

"True Christianity never shields itself behind majorities. Nero, and the other persecuting Roman emperors, were amply supported by majorities; and yet the pure and peaceable religion of Christ in the end triumphed over them all; and it was only when it attempted, itself, to enforce religion by the arm of authority, that it began to wane. A form of religion that cannot live under equal and impartial laws ought to die, and sooner or later must die.

"*Legal* Christianity is a solecism, a contradiction of terms. When Christianity asks the aid of government beyond mere impartial protection, it denies itself. Its laws are divine, and not human. Its essential interests lie beyond the reach and range of human governments. United with government, religion never rises above the merest superstition; united with religion, government never rises above the merest despotism; and all history shows us that the more widely and completely they are separated, the better it is for both. . . .

"Properly speaking, there is no such thing as 'religion of state.' What we mean by that phrase is, the religion of some individual, or set of individuals, taught and enforced by the state. The state can have no religious opinions; and if it undertakes to enforce the teaching of



such opinions, they must be the opinions of some natural person, or class of persons.

### **Civil Government Cannot Have Religious Opinions**

"If it embarks in this business, whose opinion shall it adopt? If it adopts the opinions of more than one man, or one class of men, to what extent may it group together conflicting opinions? or may it group together the opinions of all? And where this conflict exists, how thorough will the teaching be? Will it be exhaustive and exact, as it is in elementary literature and in the sciences usually taught to children? and, if not, which of the doctrines or truths claimed by each will be blurred over, and which taught in preference to those in conflict?

"These are difficulties which we do not have to encounter when teaching the ordinary branches of learning. It is only when we come to teach what lies 'beyond the scope of sense and reason'—what from its very nature can only be the object of faith—that we encounter these difficulties. Especially is this so when our pupils are children, to whom we are compelled to assume a dogmatical method and manner, and whose faith at last is more a faith in us than in anything else. Suppose the state should undertake to teach Christianity in the broad sense in which counsel apply the term, or the 'religion of the Bible,' so as also to include the Jewish faith,—where would it begin? how far would it go? and what points of disagreement would be omitted?

### **Religious Legislation Manifestly Unfair**

"If it be true that our law enjoins the teaching of the Christian religion in the schools, surely, then, all its teachers should be Christians. Were I such a teacher, while I should instruct the pupils that the Christian religion is true and all other religions false, I should tell them that the law itself was an unchristian law. One of my first lessons to the pupils would show it to be unchristian. That lesson would be, 'Whatsoever ye would that men should do to you, do ye even so to them; for this is the law and the prophets.' I could not look the veriest infidel or heathen in the face, and say that such a law was just, or that it was a fair specimen of Christian republicanism. I should have to tell him that it was an outgrowth of false Christianity, and not one of the 'lights' which Christians are commanded to shed upon an unbelieving world. I should feel bound to acknowledge to him, moreover, that it violates the spirit of our Constitutional guaranties, and is a state religion in embryo; that if we have no right to tax him to support 'worship,' we have no right to tax him to support religious instructions; that to

tax a man to put down his own religion is of the very essence of tyranny; that however small the tax, it is a first step in the direction of an 'establishment of religion;' and I should add, that the first step in that direction is the fatal step, because it logically involves the last step. . . .

### **The Doctrine of "Hands Off"**

"But the real question here is not, What is the best religion? but, How shall this best religion be secured? I answer, It can best be secured by adopting the doctrine of this seventh section in our own bill of rights, and which I summarize in two words, by calling it the doctrine of 'hands off.'

"Let the state not only keep its own hands off, but let it also see to it that religious sects keep their hands off each other. Let religious doctrines have a fair field, and a free, intellectual, moral, and spiritual conflict. The weakest—that is, the intellectually, morally, and spiritually weakest—will go to the wall, and the best will triumph in the end. This is the golden truth which it has taken the world eighteen centuries to learn, and which has at last solved the terrible enigma of 'church and state.'

"Among the many forms of stating this truth, as a principle of government, to my mind it is nowhere more fairly and beautifully set forth than in our own Constitution. Were it in my power, I would not alter a syllable of the form in which it is there put down. It is the true republican doctrine. It is simple and easily understood. It means a free conflict of opinions as to things divine; and it means masterly inactivity on the part of the state, except for the purpose of keeping the conflict free, and preventing the violation of private rights or of the public peace.

### **Rights of Conscience Sacred**

"Meantime, the state will impartially aid all parties in their struggles after religious truth, by providing means for the increase of general knowledge, which is the handmaid of good government, as well as of true religion and morality. It means that a man's right to his own religious convictions, and to impart them to his own children, and his and their right to engage, in conformity thereto, in harmless acts of worship toward the Almighty, are as sacred in the eye of the law as his rights of person or property, and that although in the minority, he shall be protected in the full and unrestricted enjoyment thereof.

"The 'protection' guaranteed by the section in question, means protection to the minority. The majority can protect itself. Constitutions

are enacted for the very purpose of protecting the weak against the strong; the few against the many. . . .

"If you desire people to fall in love with your religion, make it lovely. If you wish to put down a false religion, put it down by kindness, thus heaping coals of fire on its head. You cannot put it down by force; that has been tried. To make the attempt, is to put down your own religion, or to abandon it.

"Moral and spiritual conflicts cannot be profitably waged with carnal weapons. When so carried on, the enemy of truth and right is too apt to triumph. Even heathen writers have learned and taught this golden truth. Buddha says: 'Let a man overcome anger by love, evil by good, the greedy by liberality, and the slanderer by a true and upright life.' Christianity is full of this truth, and, as a moral code, might be said to rest upon it. It is *in hoc signo*, by the use of such weapons, that Christianity must rule, if it rules at all. . . .

### Principles of Successful Government

"Three men — say, a Christian, an infidel, and a Jew — ought to be able to carry on a government for their common benefit, and yet leave the religious doctrines and worship of each unaffected thereby, otherwise than by fairly and impartially protecting each, and aiding each in his searches after truth. If they are sensible and fair men, they will so carry on their government, and carry it on successfully, and for the benefit of all. If they are not sensible and fair men, they will be apt to quarrel about religion, and, in the end, have a bad government and bad religion, if they do not destroy both. . . .

"Counsel say that to withdraw all religious instruction from the schools would be to put them under the control of 'infidel sects.' This is by no means so. To teach the doctrines of infidelity, and thereby teach that Christianity is false, is one thing; and to give no instructions on the subject is quite another thing. . . .

"The principles here expressed are not new. . . . They are as old as Madison, and were his favorite opinions. Madison, who had more to do with framing the Constitution of the United States than any other man, and whose purity of life and orthodoxy of religious belief no one questions, himself says:

"'Religion is not within the purview of human government.' And again he says: 'Religion is essentially distinct from human government, and exempt from its cognizance. A connection between them is injurious to both. There are causes in the human breast which insure the perpetuity of religion without the aid of law.' . . .

"It follows that the judgment of the superior court will be reversed, and the original petition dismissed.

"Judgment accordingly."

### **Before the Wisconsin Supreme Court**

A similar case was decided by the supreme court of Wisconsin in 1890. Justice Lyon delivered the opinion of the court, and Justices Cassody and Orton delivered concurring opinions. Justice Lyon said, in part:

"We most emphatically reject these views. The priceless truths of the Bible are best taught to our youth in the church, the Sabbath and parochial schools, the social religious meetings, and above all by parents in the home circle. There those truths may be explained and enforced, the spiritual welfare of the child guarded and protected, and his spiritual nature directed and cultivated, in accordance with the dictates of the parental conscience. The Constitution does not interfere with such teaching and culture. It only banishes theological polemics from the district schools. It does this, not because of any hostility to religion, but because the people who adopted it believed that the public good would thereby be promoted."

### **Supreme Justice Orton's Opinion**

Justice Orton said, in part:

"Religion needs no support from the state. It is stronger and much purer without it. This case is important and timely. It brings before the courts a case of the plausible, insidious, and apparently innocent entrance of religion into our civil affairs, and of an assault upon the most valuable provisions of the Constitution. Those provisions should be pondered and heeded by all of our people, of all nationalities and of all denominations of religion, who desire the perpetuity and value the blessings of our free government. . . . The connection of church and state corrupts religion, and makes the state despotic."

### **A Well-Known Massachusetts Educator**

Horace Mann was one of the noblest educators that Massachusetts ever produced. He was a Christian of unquestioned integrity. In his Twelfth Report on the schools in Massachusetts he used the following language:

"If a man is taxed to support a school where religious doctrines are inculcated which he believes to be false and which he believes that God condemns, then he is excluded from the school by the divine law,

at the same time he is compelled to support it by the human law. This is a double wrong. It is politically wrong, because, if such a man educates his children at all, he must educate them elsewhere, and thus pay two taxes, while some of his neighbors pay less than their due proportion of one; and it is religiously wrong, because he is constrained by human power to promote what he believes the divine Power forbids. The principle involved in such a cause is pregnant with all tyrannical consequences. It is broad enough to sustain any claim of ecclesiastical domination ever made in the darkest ages of the world."

### **Cutting the Sinews of the Church**

The Rev. Dr. Tiffany hit the nail squarely on the head in the idea that "when our Lord said, 'Render unto Cæsar the things that are Cæsar's,' He drew a sharp line between the two," and that "Cæsar can only give what is his own." The doctor also touched a vital point in the following remarks:

"When you say that the state shall teach religion, you cut the sinews of the church. . . . It is a mistake to put the teaching of religion in the hands of the state, and not keep it where Christ has put it, in the hands of the church."

Christ demands sanctified vessels to minister the word of God.

### **Dr. Howard Crosby on Religious Instruction in the Schools**

The following remarks of Dr. Howard Crosby on this subject are well worthy of consideration:

"How are we going to take the first step as to the character of the religious instruction that is to be given to the children of the land? Are we to find a sort of average that all will agree upon? Where is the average that all will agree upon? There are in this country between one fourth and one fifth of the whole population who have not the slightest sympathy with the forms of religion represented in this room tonight. Are we to leave them all out entirely and say to them, You are a minority, and we have nothing to do with you; we are the majority, and we are going to rule?"

"Gentlemen, if the state is to furnish religious instruction, there is another thing that it will have to furnish, and that is the Inquisition. That will be the legitimate outcome of religious instruction by the state. It will be the logical issue to which you must come. If the state is going to teach religion, it will have to compel the people to receive that religion; and in order to do that, it will have to have the strong arm of the Inquisition.

**Destructive of Individual Independence and Mutual Equality**

"But not only that: In your attempt to find out what sort of religion you are going to have taught in your schools and what kind of teachers you are to get to instruct, you have got to deny and destroy the foundation of American independence, which is our boast, and the boast of our fathers, which brought us, under God, through the Revolution. The foundation of it all before God is individual independence and mutual equality. Every man on this continent stands exactly on the same platform with his neighbor, and no mere majority clothes any man in that majority with power to say, You must be taught my religion."

In concluding this chapter, it affords us great pleasure to quote some public statements from our esteemed Commissioner of Education of the United States, Hon. Philander P. Claxton, on the impracticability of teaching religion in the public schools.

**The Public Schools Not Irreligious**

The Pastors' Federation of Washington, D. C., was planning to launch a campaign in favor of teaching religion in the public schools of the District of Columbia, and engaged Dr. Claxton to speak upon the subject before the Federation, Nov. 27, 1916. But they chose the wrong man to champion their cause. He said, in part:

"I have no patience with those who cry that the public schools are godless because they do not specifically impart religious instruction. They are not godless. They are not irreligious. The teachings of the public schools are the greatest force for the advancement of morality in the United States.

"In this country we have, and I most earnestly hope we shall continue to have, separation of church and state. It is not the prerogative of the public schools to impart religious teachings under our system of government. I take it for granted that no one here would want what some other countries of past ages have had. Separation of church and state has contributed to the vitality of religion in this country. Since the public schools, supported by the people, are fitting the children of the nation for citizenship, they may use whatever is best to accomplish that secular side of the highest citizenship.

**Unqualified to Teach Religion**

"I have found, as a rule, that most public school teachers are not qualified to teach religion. If they were qualified, it would be impossible for them to agree upon the subject. Even the most ardent advocates

of compulsory religious education are agreed on one thing, and that is that religious teaching as it has to do with the things on which we differ, rather than the things on which we unite, should not be given in the public schools. But the difficulty of harmonizing the divergent creeds of all denominations and of nonreligionists is an insurmountable barrier, and there would be little left on which we could agree.

"The plea that the public schools absorb all the time of the children so that there is no time left for other instruction, does not hold. In the city of Washington, for instance, if a child attended school all he could, without ever being absent, he could only attend school something like 1,800 hours a year. The remainder of the 8,760 hours of the year are left for religious instruction. In nearly all our cities and towns there are far more churches than public schools."

### **The Church, Not Public Schools, Responsible**

Dr. Claxton said that after careful investigation, he discovered that in Asheville, N. C., they had four times as many churches as public schools, and that the investment in church property and pastors' salaries in the town was four times the amount invested in public schools and teachers' salaries. "Thus," said he, "I found the town was paying four times more for religious instruction than for secular education. I found the churches manned by elderly men of collegiate education, whereas the public schools are taught by younger people, mostly young girls, a majority without college or university education. I then asked my old pastor, if there was a lack of religious teaching in this town, who ought to begin to consider it?"

"I want to say that I firmly believe that the home, the church, general societies, and select schools are as much responsible for the proper education of the child as are the public schools of this nation. Especially is the home, the church, and the Sunday school the place for religious instruction."

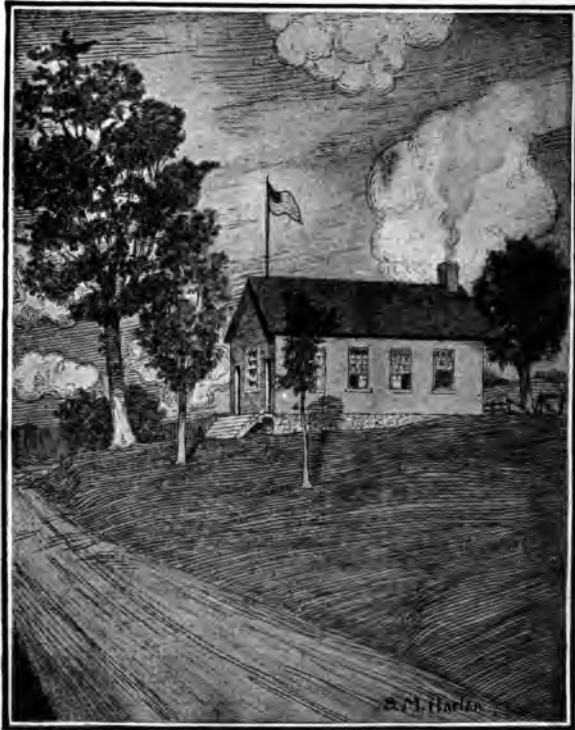
### **General Grant's Views**

In September, 1875, Gen. U. S. Grant, while attending a Grand Army reunion in Iowa, offered three resolutions on the subject of education, and made a speech in which he used the following language:

"Let us labor for the security of free thought, free speech, free press, pure morals, unfettered religious sentiments, and equal rights and privileges for all men, irrespective of nationality, color, or religion; encourage free schools, resolve that not one dollar appropriated to them shall go to the support of any sectarian school; resolve that neither state nor

nation shall support any institution save those where every child may get a common school education, unmixed with any atheistic, pagan, or sectarian teaching; leave the matter of religious teaching to the family altar, the church, and the private school, supported entirely by private contribution. Keep church and state forever separate."

If religious liberty is to be maintained in America, the church and state must each attend to its own business and operate in its own respective and distinctive field. The church must confine itself to spiritual interests, the state to the secular. There can be no union of the two without the clashing of spiritual and secular swords in deadly conflict.



**A BULWARK OF THE STATE**





RESULTS OF CHURCH AND STATE UNION

## **DANGERS INVOLVED IN RELIGIOUS FEDERATIONS**

IF history emphasizes one lesson more than another, it is the danger that lies in consolidating and confederating mighty religious forces. Religious federations are usually formed, not for the purpose of establishing the kingdom of grace in the world by strictly evangelical means, but to secure, more or less directly, the aid of the state in an endeavor to establish here and now the promised kingdom of glory.

We need no longer fear the arbitrary and absolute power and authority of individual tyrants; as John Fiske says, "They have come to be as spooks and bogies of the nursery." Our gravest dangers are the new and mighty combinations of power which are apparently working for the promulgation of the gospel, but which do not know the legitimate limits of civil power. Religious organizations are merging their common interests, interlocking their various associations and agencies, that they may bring overwhelming pressure upon Congress and the State legislatures of the land to secure religious laws,—legislation that will coerce the conscience of the minority and restrict freedom of choice and individual initiative. That the individual has a right to dissent from the mandates of these organizations is coming to be regarded as heresy even by Protestants.

The religious liberty we now enjoy grew out of the exercise of the right of dissent. Freedom of conscience was made possible because in the multiplicity of religious denominations each was contending for the right to worship God according to the dictates of conscience. When there exists only one all-powerful, dominating church organization, imbued with a passion for political power, religious liberty is an impossibility.

### **Multiplicity of Sects a Blessing**

History teaches us that the greater the number of religious denominations, the less danger there is that organized religion will obtain a strangle hold upon the machinery of the state. James Madison clearly saw and stated this when, in emphasizing the importance of the immediate adoption and incorporation of the guaranties of religious freedom in the Federal Constitution, he said:

"Happily for the States, they enjoy the utmost freedom of religion. This freedom arises from that multiplicity of sects which pervades



### THE BIBLE, AND THE BIBLE ONLY, THE RULE OF FAITH AND PRACTICE

Hold fast to the Bible. It is the sheet anchor of your liberties; write its precepts on your hearts, and practise them in your lives. To the influence of this Book we are indebted for the progress made in civilization, and to this we must look as our guide in the future.—*U. S. Grant.*

But while every man should make the Bible his own rule of faith and practice, none has a right to compel others to conform thereto. He who seeks to make the law of God the basis and reason for compulsory Sunday observance, is tampering with that law and wresting the Scripture to his own condemnation. A Baltimore editor makes the following sensible comment on the situation:

"We seriously deprecate any attempt to saddle the blue laws of Baltimore and Maryland upon Deity. Humanity attributes far too many of its faults, shortcomings, and misfortunes to that high seat. . . . He would do sacrilege who would ascribe the actual results of the blue-law Sunday to the only King who truly can do no wrong. The battle for genuine righteousness has begun, not ended. Let it not be beclouded by silly cant."—*Baltimore Star, May 26, 1914.*

America, and which is the best and only security for religious liberty in any society; for where there is such a variety of sects, there cannot be a majority of any one sect to oppress and persecute the rest." — *Elliott's "Debates on the Constitution," Vol. III, p. 330.*

### **Present-Day Tendencies**

Thirst for power in our day has led to the formation of mighty alliances. Never before in the history of this world have there been such tremendous federations of religious organizations as during the last few years. No movement recently inaugurated is perhaps of greater significance than the great interchurch federation movement of many of the Protestant churches. Out of the Federal Council of the Churches of Christ in America, there has recently been developed an Interchurch World Movement, and another interchurch organization has been formed under the name, The United Churches of Christ in America. There are reasons to fear that the aim of all these organizations is to form ultimately "an organic union" of all the evangelical churches in the world. This new organization is to have a supreme council possessing "executive powers," with a "super-head," who, it is said, is to "play the part of Marshal Foch" in directing the operations of all the churches in their missionary activities, in educational and inspirational work in the fields of evangelism, social service, and religious education.

The constitution of the Federal Council (Art. 4, Sec. 3), says concerning the Federal Council of the Churches of Christ in America, that these churches have banded themselves together "to secure a larger combined influence for the churches of Christ in all matters affecting the moral and social condition of the people, so as to promote the application of the law of Christ in every relation of human life."

### **A Vast Ecclesiastical Trust**

More than thirty Protestant denominations have joined this religious "trust," which has not hesitated to define its position on the question of compulsory religious legislation, as the following resolution will testify:

*"Resolved, That all encroachments upon the claims and sanctities of the Lord's day should be stoutly resisted . . . by such legislation as may be secured to protect and preserve the bulwarks of our American Christianity.*

*"That we rejoice in the prospect of unity of action among the various organizations striving in America for the preservation of the Lord's day as a day for rest and worship."*



Thus the Federal Council of Churches has definitely pledged itself to the establishment of a religious dogma by force of civil law. The promoters of the great Interchurch Movement known as The United Churches of Christ in America, an auxiliary organization created by the same churches which united in the Federal Council, and which is planning a national and international consolidation of all the evangelical forces under the executive leadership of "a supreme council," are likewise striving "to secure better Sunday observance through national and State laws."

### **Pressure Upon Congress and Legislatures the Real Purpose of the Federation**

These churches, now combined, have repeatedly formulated drastic Sunday measures, and pressed their passage before legislative bodies. Unquestionably, the real purpose of this federation movement is to secure the co-operation and power of the state in matters of religion. The *Boston Defender* voiced the sentiment of the great church federation when it said:

"One very evident need of federated reform is seen in connection with our law-making bodies, whether they meet in Washington or in the several State capitals. It is the duty of the reform forces to see that men are sent to these places who shall represent the ideas which they hold most important and sacred."

### **A Frank Confession**

One of the leaders of these "reform forces" said:

"The church is going into politics, and it is going there to stay. Furthermore, the church is to become a powerful political factor, and will act as a unit on all great moral questions. I do not take it that the churches are to form a separate political party; on the contrary, they will stand outside all parties, but they will co-operate, and as one prodigious organization, make their demands upon existing parties, and have their wishes fulfilled."

Here is a direct statement made that it is the ultimate aim of the federated churches to operate upon the political institutions of America. They are laboring under the mistaken conception that the kingdom of God is to be set up on earth through human instrumentalities, by means of legislative acts and through the processes of social and political evolution. They expect that the united churches will ultimately dominate the whole world—the state in its policies, and the church "in faith and order."



### DRIFTING UPON THE ROCKS

The National Reform Association has worked with a zeal worthy of a better cause, to secure a religious amendment to the Constitution. Article II of the association's constitution declares:

The object of this Society shall be . . . to secure such an amendment to the Constitution of the United States as will declare the nation's allegiance to Jesus Christ and its acceptance of the moral laws of the Christian religion, and so indicate that this is a Christian nation, and place all the Christian laws, institutions, and usages of our government on an undeniable legal basis in the fundamental law of the land."

Commenting on the situation, the *Examiner and Chronicle* (Baptist) remarks:

"This agitation for a national religion, officially professed, has, for its logical outcome, persecution — that, and nothing more nor less. It is a movement back to the era of Constantine; as far below the spirituality of the New Testament as it is below the freedom of republican America."

Again, the *Champlain Journal* says:

"However slight, it is the first move for a union of church and state. If we may cut off ever so few persons from the right of citizenship on account of difference of religious beliefs, then with equal justice and propriety may a majority at any time dictate the adoption of still further articles of belief, until our Constitution is but the textbook of a sect beneath whose tyrannical sway all liberty of religious opinion will be crushed."

The same principle is given by the *New York Tribune*, thus:

"Let those who imagine that a nation can be made Christian by incorporating the letter of a Christian creed into its Constitution, remember the lessons of history. The worst despotisms that have ever cursed the world were administered in the name and by the assumed authority of God."

As a matter of fact, their organization, when perfected and in complete control of affairs, will be, in their judgment, the kingdom of God on earth. This idea of being the direct and only true representatives of God upon earth, is pregnant with much danger. Whoever opposes a movement that is imbued with the idea that it possesses divine prerogatives, is in danger of being accused of fighting against God. Such an organization, assuming to be God's representative on earth, can readily find justification for executing His vengeance upon His enemies.

### **Heading for the Rocks**

Every one realizes that the political and religious world is approaching a great crisis. The future is beset with difficulties and obstacles hitherto unknown. The unrest and uncertainty permeating the social fabric, threatening to overthrow all fixed standards, is causing the hearts of many statesmen and public officials to fail them for fear of the coming storm; and many of these men who have their hands upon the pulse of society, freely acknowledge that unless a divine Providence intervenes in human affairs, a universal social and political cataclysm awaits the world. The governments of earth are sitting over the crater of a volcano that is rumbling and heaving preparatory to a mighty eruption. The men upon whom rests the responsibility of preserving peace, law, and order, realize that they are dealing with elements as dangerous as the powerful explosives of a powder magazine, and that a political blunder may be like the touch of a lighted match to the powder.

### **Worthless as a Life Preserver**

On the other hand, the churches are obsessed with the idea that legal acknowledgment and enforcement of Sunday and the tenets of the Christian religion would prove a panacea for all the troubles in the world. They do not realize that they are clinging to a millstone, not a life preserver, and that they are organizing an ecclesiastical machine of power and influence that will bring ultimate disaster to themselves as well as to the nations they are seeking to control.

### **Dangers of Sunday Laws Seen by the United States Senate**

The United States Senate perceived this danger clearly when it acted adversely in 1829 upon the first Sunday petitions presented to that body and which were numerous signed. The report of a Senate committee then rendered and promptly adopted reads, in part, as follows:



"Extensive religious combinations to effect a political object are, in the opinion of the committee, always dangerous. This first effort of the kind calls for the establishment of a principle which, in the opinion of the committee, would lay the foundation for dangerous innovations upon the spirit of the Constitution, and upon the religious rights of the citizens. If admitted, it may be justly apprehended that the future measures of the Government will be strongly marked, if not eventually controlled, by the same influence. All religious despotism commences by combination and influence; and when that influence begins to operate upon the political institutions of a country, the civil power soon bends under it; and the catastrophe of other nations furnishes an awful warning of the consequence."

As suggested in this paragraph, the history of other nations does indeed afford striking examples of the abuse of power, when presumptuous and arrogant ecclesiastical combinations dictated the religion of the state, and compelled all people, under duress of civil law, to conform to the rules and episcopal mandates of the church.

#### **Striking Examples of Ecclesiastical Domination**

The Papacy, and the Greek Orthodox Church, of Christian origin, and the Caliphate of the Mohammedan world furnish three striking examples of ecclesiastical domination in civil affairs,—examples of what can be accomplished by religious leaders through political methods when supported by large numbers of devotees yielding allegiance to them as unto the divine Being himself.

Each of the three systems named is an absolute spiritual and political monarchy, and is in this respect different from the great federations of our own day; but seeing and knowing what they accomplished by usurpation of kingly power, may we not well fear the many-times-greater potential power of the gigantic combinations of our time, which, though democratic in form and Christian in name, are in truth as imperious as the Pope in their demands, and sure to become, ere long, as cruel as Nero in their infringement of men's rights, both civil and religious?

#### **Beware — the Fetters!**

We speak of religious and civil liberty as if the two were separate and distinct, whereas religious liberty in its historical sense is only civil liberty in the domain of religion. It is non-interference by the state in matters pertaining to the free exercise of the conscience, not only in deciding where duty lies, but in walking in the path of duty,—that is, in living the life that conscience dictates. Any law, therefore,

that invades the realm of conscience, that touches even lightly the religious life, that demands conformity to a religious custom, is at once an infringement of liberty, both civil and religious, and in violation of the American principles of free government. But along with some proper and wholesome legislation, the great religious federations now organized in this country are demanding laws which would, if enacted, necessarily invade the realm of conscience, the citadel of the soul. Let every citizen beware lest these mighty forces succeed in binding fair Liberty with the fetters of bigotry and religious despotism.



**Plymouth Rock**

## Awake, Fair Liberty!

SHE sleeps, she sleeps, fair Liberty,  
While Peace keeps watch from sea to sea;  
The bugle's blast, the cannon's roar,  
Resound through hill and vale no more.  
But hark to the voices that fill the air;  
She's never a Christian, though grand and fair.  
She sleeps, she sleeps, she sleeps, she sleeps,  
We'll bind her with creeds while slumbering there!  
The drums are still, the sabers rust,  
The slain have moldered back to dust,  
And Peace keeps watch from sea to sea:  
She sleeps, she sleeps, fair Liberty.

Awake! awake! fair Liberty!  
Behold the chains they forge for thee;  
The hammers click, the anvils ring,  
With link, and lock, and key, and spring.  
Their subtle amendments that seem so fair  
Are fetters for Conscience to groaning wear.  
Awake! awake! awake! awake!  
For God, and home, and freedom's sake.  
With speech, and song, and plaintive prayer,  
They're forging chains for thee to wear;  
Ere friends, misguided, fetter thee,  
Awake! awake! fair Liberty!

Beware! look back to ages when  
The state enforced the creeds of men;  
When Might rose up against the few,  
And sword and flame found conscience true.  
Thy grand Constitution proclaims to all  
The freedom to worship at conscience' call;  
Away, away, away, away,  
Away with the night! 'tis freedom's day,  
Good-by, good-by, to ages dead,  
When Church and State in crime were wed,  
When millions, true, for conscience bled;  
Good-by, good-by, to ages dead.

— *L. O. Emerson.*



**STANFORD LIBRARY**  
**HSS INSTITUTION**

of the fine, this book should be returned on  
or before the date last stamped below

10M-10-60-21867



BR 516 .R382  
Freedom, civil and reliADC5222  
Hoover Institution Library



3 6105 080 544 104

DK  
R3



...and the ...  
...  
...

...

...  
...

...  
...

...  
...

...